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BEFORE THE  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE:     )  
  )  
REGULAR MONTHLY BUSINESS )  
MEETING                             )  
\_\_\_\_\_)

DATE AND TIME:                   TUESDAY, SEPTEMBER 30, 1997  
  9:30 A.M.

PLACE:                             BOARD HEARING ROOM  
  8800 CAL CENTER DRIVE SACRAMENTO,  
  CALIFORNIA

REPORTER:                         BETH C. DRAIN, RPR, CSR  
  CERTIFICATE NO. 7152

BRS FILE NO.:                   41672

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#### APPEARANCES

MR. DANIEL G. PENNINGTON, CHAIRMAN  
MR. ROBERT C. FRAZEE, VICE CHAIRMAN (NOT PRESENT) MR.  
WESLEY CHESBRO, MEMBER  
MS. JANET GOTCH, MEMBER  
MR. STEVEN R. JONES, MEMBER  
MR. PAUL RELIS, MEMBER

#### STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER  
MR. KEITH SMITH, DEPUTY EXECUTIVE OFFICER MS. KATHRYN  
TOBIAS, CHIEF LEGAL COUNSEL MS. MARLENE KELLY, BOARD  
SECRETARY

MS. PATTI BERTRAM, ADMINISTRATIVE ASSISTANT

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## I N D E X

	PAGE NO.	CALL
TO ORDER	8	
EX PARTE COMMUNICATIONS	8	
REPORT OF THE BOARD'S COMMITTEES:		
PUBLIC EDUCATION AND LEGISLATION	10	
LOCAL ASSISTANCE AND PLANNING	12	
PERMITTING & ENFORCEMENT	15	
POLICY, RESEARCH & TECHNICAL	17	
ASSISTANCE		
MARKET DEVELOPMENT	19	
ADMINISTRATION	19	
 ITEM 2:     REPORT FROM THE EXECUTIVE DIRECTOR	26	
 ITEM 3:     CONSIDERATION OF CONSENT ITEMS	33	
ITEM 4:     CONSIDERATION OF CONTRACT		
CONCEPTS FOR MARKETING THE RECYCLING MARKET DEVELOPMENT		
ZONES FOR FY '97/'98		
B:     RURAL RMDZ AND SMALL BUSINESS		
ASSISTANCE		
ITEM 7:     CONSIDERATION OF STAFF		
RECOMMENDATION TO CORRECT THE 1990 BASE-YEAR GENERATION		
TONNAGE FOR THE PREVIOUSLY APPROVED SOURCE REDUCTION		
AND RECYCLING ELEMENT FOR THE CITY OF BRENTWOOD, CONTRA		
COSTA COUNTY.		
ITEM 8:     CONSIDERATION OF STAFF		
RECOMMENDATION TO CORRECT THE 1990 BASE-YEAR GENERATION		
TONNAGE FOR THE PREVIOUSLY APPROVED SOURCE REDUCTION		
AND RECYCLING ELEMENT FOR THE CITY OF DANVILLE, CONTRA		
COSTA COUNTY		
ITEM 9:     CONSIDERATION OF STAFF		
RECOMMENDATION TO CORRECT THE 1990 BASE-YEAR GENERATION		
TONNAGE FOR THE PREVIOUSLY APPROVED SOURCE REDUCTION		
AND RECYCLING ELEMENT FOR THE CITY OF LAFAYETTE, CONTRA		
COSTA COUNTY		
ITEM 10:    CONSIDERATION OF STAFF		
RECOMMENDATION TO CORRECT THE 1990 BASE-YEAR GENERATION		
TONNAGE FOR THE PREVIOUSLY APPROVED SOURCE REDUCTION		
AND RECYCLING ELEMENT FOR THE CITY OF MORAGA, CONTRA		

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COSTA COUNTY.

ITEM 11: CONSIDERATION OF STAFF  
RECOMMENDATION TO CORRECT THE 1990 BASE-YEAR GENERATION  
TONNAGE FOR THE PREVIOUSLY APPROVED

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SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF ORINDA, CONTRA COSTA COUNTY.

ITEM 12: CONSIDERATION OF STAFF  
RECOMMENDATION TO CORRECT THE 1990 BASE-YEAR GENERATION TONNAGE FOR THE PREVIOUSLY APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF WALNUT CREEK, CONTRA COSTA COUNTY.

ITEM 13: CONSIDERATION OF STAFF  
RECOMMENDATION ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND THE NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF INDUSTRY, LOS ANGELES COUNTY

ITEM 14: CONSIDERATION OF STAFF  
RECOMMENDATION ON THE ADEQUACY OF THE PREVIOUSLY CONDITIONALLY APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF LOMITA, LOS ANGELES COUNTY

ITEM 15: CONSIDERATION OF STAFF  
RECOMMENDATION ON THE ADEQUACY OF THE PREVIOUSLY CONDITIONALLY APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT AND RECYCLING ELEMENT FOR THE CITY OF ROLLING HILLS, LOS ANGELES COUNTY.

ITEM 16: CONSIDERATION OF STAFF  
RECOMMENDATION ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF GONZALES, MONTEREY COUNTY

ITEM 17: CONSIDERATION OF STAFF  
RECOMMENDATION ON THE TWO-YEAR TIME EXTENSION FOR MEETING THE DIVERSION REQUIREMENT OF THE INTEGRATED WASTE MANAGEMENT ACT OF 1989 FOR THE CITY OF KING, MONTEREY COUNTY.

ITEM 18: CONSIDERATION OF STAFF  
RECOMMENDATION ON THE PETITION FOR REDUCTION OF THE 2000 GOAL FOR THE CITY OF KING, MONTEREY COUNTY.

ITEM 19: CONSIDERATION OF STAFF  
RECOMMENDATION ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF SOLEDAD, MONTEREY COUNTY.

ITEM 20: CONSIDERATION OF STAFF  
RECOMMENDATION ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF SOLVANG, SANTA BARBARA COUNTY.

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ITEM 22: CONSIDERATION OF STAFF  
RECOMMENDATION ON THE ADEQUACY OF THE TEHAMA  
MULTIJURISDICTIONAL SOURCE REDUCTION AND RECYCLING  
ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND

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NONDISPOSAL FACILITY ELEMENT; AND FOR THE PETITION FOR TIME EXTENSION FOR THE CITIES OF CORNING, RED BLUFF, TEHAMA, AND UNINCORPORATED TEHAMA COUNTY.

ITEM 24: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE AUBURN PLACER DISPOSAL TRANSFER STATION, PLACER COUNTY.

ITEM 25: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR MILLIKEN SANITARY LANDFILL, SAN BERNARDINO COUNTY.

ITEM 26: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR FORT IRWIN SANITARY LANDFILL, SAN BERNARDINO COUNTY

ITEM 27: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR COLTON SANITARY LANDFILL, SAN BERNARDINO COUNTY

ITEM 28: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR BARSTOW SANITARY LANDFILL, SAN BERNARDINO COUNTY.

ITEM 29: CONSIDERATION OF SITES FOR REMEDIATION UNDER THE WASTE TIRE STABILIZATION AND ABATEMENT PROGRAM.

ITEM 30: CONSIDERATION OF NEW SITES FOR THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM.

ITEM 33: CONSIDERATION OF APPROVAL OF RECYCLING MARKET DEVELOPMENT ZONE PROGRAM LOAN APPLICATIONS FOR FALL QUARTER 1997:

A: MARFRED INDUSTRIES, INC.

B: MARPLAST INC.

C: MARSRING CORPORATION D-B-A LOS ANGELES FIBER

D: O. E. CLARK PAPER BOX COMPANY; O. E. CLARK PRINTED SPECIALTIES COMPANY; CENTRAL CITY BOX AND PAPER COMPANY.

ITEM 34: CONSIDERATION OF THE REALLOCATION OF \$200,000 FROM THE FY 1997/98 CALIFORNIA TIRE RECYCLING FUND TO AUGMENT THE WASTE TIRE LEVEE REPAIR DEMONSTRATION PROJECT.

ITEM 4: CONSIDERATION OF CONTRACT CONCEPTS FOR

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MARKETING THE RECYCLING MARKET DEVELOPMENT ZONES FOR FY  
'97/'98

A: RMDZ MANUFACTURING BUSINESS INVESTMENT FOR  
RESUMES (PULLED)

STAFF PRESENTATION

PUBLIC TESTIMONY

COMMITTEE DISCUSSION

33 ACTION

34, 36



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ITEM 5: CONSIDERATION OF CONTRACT CONCEPT AND APPROVAL  
TO AWARD A CONTRACT TO BOUTIN, DENTINO, GIBSON & DI  
GIUSTO FOR SPECIALIZED LEGAL SERVICES  
IN SUPPORT OF THE RECYCLING MARKET DEVELOPMENT ZONE  
REVOLVING LOAN PROGRAM

STAFF PRESENTATION	36
PUBLIC TESTIMONY	
COMMITTEE DISCUSSION	37
ACTION	45

ITEM 6: CONSIDERATION OF SPONSORING AMERICA RECYCLES  
DAY.

STAFF PRESENTATION	46
PUBLIC TESTIMONY	51
COMMITTEE DISCUSSION	53
ACTION	67

ITEM 23: (PULLED) CONSIDERATION OF THE COMPLETENESS  
DETERMINATION FOR THE COUNTYWIDE SITING ELEMENT AND  
SUMMARY PLAN FOR VENTURA COUNTY.

ITEM 31: CONSIDERATION OF ADOPTION OF A MITIGATED  
NEGATIVE DECLARATION FOR THE CITY OF EL PASO DE ROBLES  
LANDFILL, SAN LUIS OBISPO COUNTY

STAFF PRESENTATION	68
PUBLIC TESTIMONY	
COMMITTEE DISCUSSION	
ACTION	71

ITEM 32: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE  
OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE CITY  
OF EL PASO DE ROBLES LANDFILL, SAN  
LUIS OBISPO COUNTY

STAFF PRESENTATION	71
PUBLIC TESTIMONY	
COMMITTEE DISCUSSION	
ACTION	73

ITEM 33 (E): CROWN POLY, INC. CONSIDERATION OF  
APPROVAL OF RECYCLING MARKET DEVELOPMENT ZONE PROGRAM  
LOAN APPLICATIONS FOR FALL QUARTER 1997.

STAFF PRESENTATION	73
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PUBLIC TESTIMONY

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COMMITTEE DISCUSSION	76
ACTION	79
ITEM 35: CONSIDERATION OF ACCEPTANCE OF THE REPORTS ANALYZING EMISSIONS TEST RESULTS AND RESIDUAL BY- PRODUCTS FROM FACILITIES USING TIRES AS A FUEL SUPPLEMENT:	
A. DAMES & MOORE	
ANALYSIS OF EMISSIONS TEST RESULTS AND RESIDUAL BY-PRODUCTS FROM FACILITIES USING TIRES AS A FUEL SUPPLEMENT	
B: CARNOT	
1: FINAL DRAFT REPORT 1997 CRITERIA POLLUTANT TESTS DURING THE TDF TIRE BURN AT STOCKTON COGEN, INC.	
2: FINAL DRAFT REPORT 1997 EMISSION TESTS FOR TDF INITIAL BURN PROGRAM AT STOCKTON COGEN, INC. VOLUMES 1, 2.	
STAFF PRESENTATION	79
PUBLIC TESTIMONY	
COMMITTEE DISCUSSION	93
ACTION	109
ITEM 36: CONSIDERATION OF COMMENTS FOR THE CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE ON ITS ALLOCATION PROCESS FOR THE 1998 CALENDAR YEAR.	
STAFF PRESENTATION	109
PUBLIC TESTIMONY	115
COMMITTEE DISCUSSION	120
ACTION	---
ITEM 37: INFORMATION ON AND DISCUSSION OF THE TITLE 27 SOLID WASTE FACILITIES PERMITTING PROCESS	
STAFF PRESENTATION	125
PUBLIC TESTIMONY	141
COMMITTEE DISCUSSION	137, 144, 153, 173
ACTION	
ITEM 38: OPEN DISCUSSION	
RECESS	188

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1                               SACRAMENTO, CALIFORNIA

2                               TUESDAY, SEPTEMBER 30, 1997

3                               9:30 A.M.

4                               CHAIRMAN PENNINGTON: GOOD MORNING AND  
5 WELCOME TO THE SEPTEMBER MEETING OF THE CALIFORNIA  
6 INTEGRATED WASTE MANAGEMENT BOARD. WOULD THE  
7 SECRETARY CALL THE ROLL, PLEASE.

8                               THE SECRETARY: BOARD MEMBER CHESBRO.

9                               BOARD MEMBER CHESBRO: HERE.

10                              THE SECRETARY: FRAZEE. ABSENT. GOTCH.

11                              BOARD MEMBER GOTCH: HERE.

12                              THE SECRETARY: JONES.

13                              BOARD MEMBER JONES: HERE.

14                              THE SECRETARY: RELIS.

15                              BOARD MEMBER RELIS: HERE.

16                              THE SECRETARY: CHAIRMAN PENNINGTON.

17                              CHAIRMAN PENNINGTON: HERE. THERE'S A  
18 QUORUM PRESENT.

19                              DO ANY BOARD MEMBERS HAVE ANY EX  
20 PARTES? I'LL START WITH MY RIGHT WITH MR. CHESBRO.

21                              BOARD MEMBER CHESBRO: MR. CHAIRMAN, I  
22 HAVE, REGARDING ITEMS ON THE AGENDA, A LETTER FROM  
23 JIM COOL, THE CITY OF LONG BEACH, ADDRESSED TO ME  
24 ON THE AMERICA RECYCLES DAY. IT'S ITEM 6. AND A  
25 LETTER FROM KAY MARTIN, COUNTY OF VENTURA,

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1       REGARDING ITEM 23, WHICH I UNDERSTAND HAS BEEN  
2       PULLED. THEN I HAVE ONE, TWO, THREE, FOUR, FIVE  
3       OTHER LETTERS THAT I'LL JUST SUBMIT TO THE BOARD'S  
4       ASSISTANT TO ENTER INTO THE RECORD AS EX PARTES.

5               CHAIRMAN PENNINGTON: OKAY. THANK YOU.

6               BOARD MEMBER CHESBRO: THEY'RE NOT  
7       REGARDING ITEMS THAT ARE ON TODAY'S AGENDA.

8               CHAIRMAN PENNINGTON: MRS. GOTCH.

9               BOARD MEMBER GOTCH: I HAVE ONE OTHER  
10       LETTER. WE WERE ALL CC.'D ON A BUNCH OF LETTERS  
11       REGARDING AMERICA RECYCLES DAY. THIS ONE IS FROM  
12       WILLIAM HEENAN, JR. OF STEEL RECYCLING INSTITUTE  
13       REGARDING AMERICA RECYCLES DAY, AGENDA ITEM NO. 6.

14              CHAIRMAN PENNINGTON: THANK YOU. MR.  
15       RELIS.

16              BOARD MEMBER RELIS: THE HEENAN LETTER,  
17       IBID, I WAS CC.'D OR IT WAS TO ME, SO JUST FOR THE  
18       RECORD, WE'LL ACKNOWLEDGE THAT. EVERYTHING ELSE IS  
19       IN ORDER.

20              CHAIRMAN PENNINGTON: MR. JONES.

21              BOARD MEMBER JONES: AND ALL OF THE CC.'S,  
22       WE DIDN'T GET CC.'S, BUT COPIES OF ALL THE LETTERS  
23       ADDRESSED TO YOU THAT LOOK LIKE THEY WERE IN THE EX  
24       PARTE FILE. EVERYTHING ELSE UP-TO-DATE.

25              CHAIRMAN PENNINGTON: OKAY. I RECEIVED

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1       LETTERS FROM THE STEEL RECYCLING INSTITUTE, SWANA,  
2       THE AMERICAN OCEANS CAMPAIGN, THE STATEWIDE  
3       COORDINATING OFFICE OF THE AMERICA RECYCLING DAY,  
4       THE RECYCLING PAPER COALITION, USA WASTE OF SAN  
5       JOSE, AND THE CITIES OF LONG BEACH, OXNARD,  
6       THOUSAND OAKS, AND SAN DIEGO, AND I HAD A BRIEF  
7       DISCUSSION WITH PAUL YODER.

8                   OKAY.  MOVING ON, THERE'S SPEAKER  
9       REQUEST FORMS IN THE BACK OF THE ROOM AT THE TABLE  
10      THERE.  IF ANYBODY WISHES TO ADDRESS ANY ITEM ON  
11      THE AGENDA, PLEASE FILL ONE OUT AND HAND IT TO MS.  
12      KELLY, OUR BOARD SECRETARY, WHO WILL MAKE SURE THAT  
13      I GET IT AND CALL ON YOU.

14                   I HAVE ONE ANNOUNCEMENT ABOUT TODAY'S  
15      AGENDA.  ITEMS 23, 36, AND 40 HAVE BEEN PULLED;  
16      HOWEVER, 36, WE ARE GOING TO HAVE A DISCUSSION  
17      PERIOD ON IT WHILE WE'LL TAKE NO ACTION.  ONE BOARD  
18      MEMBER HAS SOME ITEMS THAT SHE'D LIKE TO DISCUSS  
19      ABOUT IT, SO WE WILL DISCUSS THE ITEM BUT TAKE NO  
20      ACTION.

21                   WITH THAT, WE'LL MOVE TO COMMITTEE  
22      REPORTS.  WE'LL START WITH LEGISLATION AND PUBLIC  
23      EDUCATION COMMITTEE, MRS. JANET GOTCH.

24                   BOARD MEMBER GOTCH:  THANK YOU, MR.  
CHAIR.

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25 THE LEGISLATION AND PUBLIC EDUCATION COMMITTEE MET  
10

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1       ON SEPTEMBER 11TH AND RECEIVED AN UPDATE FROM OUR  
2       LEGISLATION AND REGULATORY AFFAIRS DIVISION  
3       REGARDING THE STATUS OF SOLID WASTE LEGISLATION.  
4       MR. CHANDLER WILL ELABORATE MORE ON THIS ITEM IN  
5       HIS DIRECTOR'S REPORT.

6                       THE COMMITTEE ALSO HEARD AN UPDATE  
7       FROM OUR PUBLIC EDUCATION DIVISION.   STAFF  
RECENTLY

8       COMPLETED THEIR ANNUAL PLANNING PROCESS WHEREBY  
9       THEY EVALUATE THE EFFECTIVENESS OF THE PREVIOUS  
10      YEAR'S PROGRAMS AND DEVELOP A WORK PLAN TO  
ADDRESS

11      THE REQUESTS FOR WORKSHOPS, TEACHERS TRAININGS,  
AND  
12      CONFERENCE PRESENTATIONS THROUGHOUT THE SCHOOL  
13      YEAR.

14                      IN ADDITION, THE LPEC COMMITTEE  
15      RECEIVED AN UPDATE FROM OUR PUBLIC AFFAIRS  
16      DIVISION.   THE 1996 ANNUAL REPORT HAS BEEN  
PRINTED

17      AND IS BEING DISTRIBUTED TO RECYCLING  
COORDINATORS,

18      ENVIRONMENTAL REPORTERS, AND KEY LEGISLATORS,

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AS

19 WELL AS OTHER INTERESTED PARTIES. THE REPORT  
20 CONTAINS THE HIGHLIGHTS OF THE BOARD'S MANY  
21 ACCOMPLISHMENTS FOR 1996 AND CAN BE VIEWED ON  
THE  
22 INTERNET AND THE BOARDNET.

23 I'D LIKE TO RECOGNIZE THE EFFORTS  
OF

24 MR. THOMAS GONZALES FOR HIS OUTSTANDING DESIGN  
WORK

25 AND PAIGE LETTINGTON FOR A GREAT JOB EDITING  
AND

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1       FORMATTING THE DOCUMENTS.

2                       THE BOARD ALSO CONCLUDED ANOTHER  
3       SUCCESSFUL YEAR AT THE CALIFORNIA STATE FAIR.  
4       BASED ON THE NUMBER OF PEOPLE WHO TOOK THE WASTE  
5       AWARENESS QUIZ, IT'S ESTIMATED THAT OVER 20,000  
6       PEOPLE RECEIVED WASTE DIVERSION INFORMATION AT THE  
7       FAIR THIS YEAR.

8                       FINALLY, THE COMMITTEE DISCUSSED THE  
9       FIRST DRAFT OF OUR REQUESTED PUBLIC EDUCATION PLAN  
10      AND COMMUNICATION PLAN. BOTH PLANS ARE AVAILABLE  
11      FOR REVIEW AND WILL BE DISTRIBUTED FAIRLY SOON TO  
12      INTERESTED PARTIES FOR THEIR COMMENTS. I'M ALSO  
13      REQUESTING AN INTERNAL CROSS SECTION AD HOC  
14      COMMITTEE CONVENED TO REVIEW AND COMMENT ON THE  
15      PLAN. THE RESULTS OF THESE COMMENTS WILL BE  
16      INCORPORATED INTO THE NEXT DRAFTS OF THESE REPORTS  
17      AND WILL BE PRESENTED BEFORE THE NEXT LPEC IN  
18      NOVEMBER. AND THAT CONCLUDES MY REPORT.

19                      CHAIRMAN PENNINGTON: THANK YOU, MRS.  
20      GOTCH. LOCAL ASSISTANCE AND PLANNING COMMITTEE,  
21      WESLEY CHESBRO CHAIR.

22                      BOARD MEMBER CHESBRO: GOOD MORNING, MR.  
23      CHAIRMAN. THE LOCAL ASSISTANCE AND PLANNING

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24 COMMITTEE CONSIDERED 20 PLANNING DOCUMENTS,  
25 REPRESENTING 21 JURISDICTIONS, AND ALL OF THOSE

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1 PLANS ARE ON THE CONSENT CALENDAR. THE ONLY ACTION  
2 ITEM THAT WAS FORWARDED TO THE FULL BOARD WAS THE  
3 CONSIDERATION OF THE COMPLETENESS DETERMINATION FOR  
4 THE COUNTYWIDE SITING ELEMENT AND SUMMARY PLAN FOR  
5 VENTURA COUNTY. IT HAD TO DO WITH THE ADEQUACY OR  
6 LACK THEREOF OF THE CEQA PROCESS THAT THE COUNTY  
7 HAS CARRIED OUT FOR THOSE DOCUMENTS.

8 THE ITEM WAS PULLED, HOWEVER, FROM  
9 THIS MONTH'S BOARD AGENDA DUE TO VENTURA COUNTY'S  
10 REQUEST, AND IT WILL BE HEARD AT NEXT MONTH'S BOARD  
11 MEETING.

12 THE COMMITTEE ALSO HEARD UPDATES FROM  
13 THE DIVERSION, PLANNING, AND LOCAL ASSISTANCE  
14 DIVISION AS WELL AS THE WASTE PREVENTION ACTIVITIES  
15 OF THE WASTE PREVENTION AND MARKET DEVELOPMENT  
16 DIVISION.

17 COUPLE OF NOTES ON THESE UPDATES.  
18 STAFF IS WORKING WITH THE DEPUTY EXECUTIVE OFFICER  
19 OF THE SENATE RULES COMMITTEE ON SELECTING AN  
20 APPROPRIATE COLLECTION CONTAINER FOR THE RECYCLING  
21 PROGRAM THE SENATE WILL BE IMPLEMENTING SHORTLY.  
22 AND IT'S NICE. THERE HAS BEEN A PROGRAM IN PLACE,  
23 BUT MANY PEOPLE HAVE FELT THAT IT WAS LESS THAN

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24       ADEQUATE.   SO IT WILL BE NICE TO HAVE THE SENATE

25       WORKING SETTING UP A PROGRAM THAT THE BOARD HAS



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1       HELPED THEM DESIGN.

2                       I ALSO WANTED TO MENTION, JUST ON A  
3       PERSONAL NOTE, REGARDING CONTAINERS, THAT I WAS IN  
4       MENDOCINO COUNTY LAST WEEKEND, AND FREQUENTLY I'M  
5       AT STATE FACILITIES AND THERE'S THAT OTHER  
6       RECYCLING AGENCY'S NAME ON THE RECYCLING  
7       CONTAINERS. IT WAS NICE TO SEE SOME RECYCLING  
8       CONTAINERS AT MCCARRIKER STATE PARK THAT HAD NICE,  
9       BIG CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
10      SYMBOL ON IT, AS WELL AS CANS, BOTTLES, AND, YOU  
11      KNOW, THE APPROPRIATE LABELS AS TO WHICH CONTAINER  
12      THEY SHOULD GO IN. SO I WAS JUST PLEASED TO SEE  
13      THE BOARD'S VISIBILITY AT THE STATE PARK THERE.

14                     STAFF FROM THE WASTE PREVENTION  
15      DIVISION GAVE THE COMMITTEE A PRESENTATION  
16      EXPLAINING THE WEB SITE STATISTICS THAT THEY'VE  
17      ACCUMULATED AND HOW WE CAN USE THOSE STATISTICS TO  
18      BETTER SERVE THE BOARD'S CUSTOMERS. SPECIFICALLY  
19      THEY USED THE CALMAX WEB SITE AS THE EXAMPLE.

20                     THE STATISTICS THEY PRESENTED NOT  
21      ONLY TELL HOW MANY HITS ON EACH WEB SITE HAVE BEEN  
22      RECEIVED, BUT ALSO DETAILED WHAT THE BROWSER IS  
23      USING. THIS INFORMATION IS IMPORTANT BECAUSE IT

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24       ALLOWS BOARD STAFF TO MAKE APPROPRIATE CHANGES AND  
25       TO BETTER SERVE OUR CUSTOMERS USING THE WEB SITE.

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1                   THE THING I THOUGHT WAS MOST NOTABLE  
2           WAS THAT CERTAINLY THEY COULD HAVE PRESENTED THE  
3           STATISTICS IN A WAY THAT JUST MADE THE PROGRAM LOOK  
4           GOOD AND SHOWED THE GROWTH, BUT THEY CHOSE TO  
5           PRESENT THEM IN A WAY THAT MADE IT CLEAR THAT  
6           THEY'RE USING THOSE STATISTICS FOR SELF-ANALYSIS TO  
7           TRY TO CONTINUALLY IMPROVE THE USE OF THE WEB SITE.  
8           AND I AT THE COMMITTEE COMMENDED STAFF FOR THEIR  
9           HONESTY AND FRANKNESS IN USING THE STATISTICS TO  
10          MAKE THE PROGRAM MORE EFFECTIVE. I THINK THAT'S  
11          COMMENDABLE. THAT COMPLETES MY REPORT.

12                   CHAIRMAN PENNINGTON: THANK YOU, MR.  
13          CHESBRO. PERMITTING AND ENFORCEMENT COMMITTEE, MR.  
14          ROBERT FRAZEE CHAIRS. MR. STEVE JONES WILL BE  
15          FILLING IN FOR MR. FRAZEE.

16                   BOARD MEMBER JONES: THE PERMITTING AND  
17          ENFORCEMENT COMMITTEE MET ON SEPTEMBER 16TH AND  
18          HEARD 12 ITEMS. THERE ARE SEVEN ITEMS ON THE  
19          CONSENT AGENDA. THEY INCLUDE REVISED SOLID WASTE  
20          FACILITY PERMITS FOR AUBURN PLACER DISPOSAL  
21          TRANSFER STATION, THE MILLIKEN SANITARY LANDFILL,  
22          THE IRWIN SANITARY LANDFILL, THE COLTON SANITARY  
23          LANDFILL, AND THE BARSTOW SANITARY LANDFILL, WHICH

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24 GETS SAN BERNARDINO COUNTY WITH ALL OF THEIR PERMIT  
25 REVIEWS UP-TO-DATE AND ALL OF THAT DONE.

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1                   ANOTHER ITEM ON THE CONSENT WAS  
2       CONSIDERATION OF SITES FOR REMEDIATION UNDER THE  
3       TIRE STABILIZATION. TWO ITEMS WENT FORWARD OR TWO  
4       ITEMS ARE GOING TO BE FUNDED. AND CONSIDERATION OF  
5       CLEANUPS AND CODISPOSAL UNDER 2136 PROGRAM. ONE OF  
6       THOSE IS CITY OF SAN FRANCISCO WHERE WE -- THE  
7       COMMITTEE PUT SOME CONDITIONS ON THAT CLEANUP THAT  
8       WOULD INCLUDE THE LOCAL JURISDICTION, BOTH THE LEA  
9       AND THE CITY ATTORNEY, TO VIGOROUSLY GO AFTER THE  
10      ILLEGAL OPERATOR THAT OPERATED THAT LANDFILL FOR A  
11      NUMBER OF YEARS.

12                   ON THE REGULAR AGENDA, WE'VE GOT TWO  
13      ITEMS THAT WENT FORWARD ON THREE OH VOTES. WE ARE  
14      THE EA IN THAT. IT'S CITY OF EL PASO DE ROBLES  
15      LANDFILL, BOTH THE NEGATIVE DEC AND REVISED  
16      FACILITY PERMIT. THEY WENT FORWARD THREE OH, BUT  
17      BECAUSE WE'RE THE EA, WE BROUGHT IT TO THE FULL  
18      BOARD.

19                   AND THEN WE HAD THREE ITEMS THAT  
20      DON'T REQUIRE ANY ACTION BY THE BOARD. ONE WAS  
21      FORMALLY NOTICE THE PROPOSED REGULATIONS FOR  
22      ENFORCEMENT ASSISTANCE GRANTS. AND THE OTHER IS  
WE

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23 GOT A PRESENTATION OF SOLID WASTE FACILITIES  
WHICH  
24 VIOLATE STATE MINIMUM STANDARDS AND THE UPDATE OF  
25 SIGNIFICANT CHANGE VIOLATIONS LIST. AND WE'RE  
VERY

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1 PLEASED WITH THE EFFORTS OF LOCAL GOVERNMENT AND  
2 OUR STAFF BECAUSE THAT NUMBER IS GOING DOWN AND  
3 THAT'S VERY POSITIVE.

4 AND THEN WE ALSO GOT A -- SPENT A  
5 COUPLE OF HOURS TALKING ABOUT THE DRAFT OR DRAFT  
6 REGULATIONS FOR TRANSFER STATIONS, MATERIAL  
7 RECOVERY FACILITIES, AND PROCESSING OPERATIONS.  
8 AND STAFF WAS -- WANTED SOME DIRECTION FROM THE  
9 COMMITTEE. I THINK THE COMMITTEE GAVE THAT  
10 DIRECTION, AND WE'LL HAVE THAT ITEM BACK PROBABLY  
11 NEXT MONTH OR THE MONTH AFTER. AND IT WILL COME IN  
12 FRONT OF THE BOARD, I'M SURE, BEFORE THE PUBLIC  
13 COMMENT PERIOD. AND THAT IS THE PERMITTING AND  
14 ENFORCEMENT REPORT.

15 CHAIRMAN PENNINGTON: THANK YOU, MR.  
16 JONES. POLICY, RESEARCH, AND TECHNICAL ASSISTANCE  
17 COMMITTEE WHICH IS CHAIRED BY MR. JONES.

18 BOARD MEMBER JONES: POLICY COMMITTEE MET  
19 ON SEPTEMBER 15TH TO CONSIDER SEVERAL TIRE-RELATED  
20 ITEMS. WE ACCEPTED THE REPORTS SUMMARIZING THE  
21 RESULTS OF THE EMISSIONS TEST FOR THE TRIAL TESTING  
22 USING TIRE-DERIVED FUEL AT THE STOCKTON COGEN  
23 PLANT. WE DISCUSSED THE DAMES & MOORE STUDY OF

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24 EMISSIONS FROM FACILITIES USING TIRE-DERIVED FUEL.

25 WE DIDN'T HAVE THE FINAL FINAL REPORT



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1       BEFORE US, SO WE FORWARDED THE ITEM TO THE BOARD  
2       PENDING THE RECEIPT OF THE FINAL REPORT, WHICH CAME  
3       IN. THE COMMITTEE ALSO TOOK ACTION TO FORWARD TO  
4       THE BOARD AN ITEM THAT CODIFIES OUR POLICY TO  
5       SUPPORT USING TIRES AS FUEL SUPPLEMENT. THIS ITEM  
6       WILL BE ON NEXT MONTH'S AGENDA SO THAT WE CAN GIVE  
7       PEOPLE INTERESTED IN THIS IMPORTANT ISSUE  
8       APPROPRIATE TIME TO PREPARE TESTIMONY FOR THE  
9       BOARD'S CONSIDERATION.

10                   WE ALSO ACTED TO REALLOCATE FUNDS TO  
11       THE BOARD'S DEMONSTRATION PROJECT USING TIRES IN  
12       THE LEVEE CONSTRUCTION. WE NEEDED TO -- WE NEEDED  
13       TO KIND OF CLEAR THAT UP, THAT WE HAD APPROVED THE  
14       DOLLARS AT THE BOARD MEETING AND THEN HAD TO  
15       REALLOCATE THE DOLLARS AFTERWARDS.

16                   I DO THINK THAT THE STUDIES THAT  
17       WE'RE GOING TO SEE TODAY, THE DAMES & MOORE AND THE  
18       OTHER STUDY, ARE GOING TO -- I THINK THAT'S AN  
19       IMPORTANT STEP TOWARDS SOLVING THE STATE'S TIRE  
20       PROBLEM. I THINK IT'S A VERY IMPORTANT ISSUE. AND  
21       IN TALKING TO A LOT OF PEOPLE, THERE IS A VERY GOOD  
22       POSSIBILITY THAT WITHIN TWO YEARS, TWO TO THREE  
23       YEARS, WE MAY END UP AS A BOARD HAVING BEEN ABLE TO

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24 SOLVE ONE OF THE BIGGEST ENVIRONMENT POTENTIAL  
25 DISASTERS IN THIS STATE, AND THAT'S LEGACY TIRES.

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1                   IF WE CAN PULL THIS OFF, I AM  
2       CONVINCED THAT THAT IS A LEGACY THAT ALL OF US CAN  
3       BE VERY PROUD OF. IT SURE IS GOING TO GO A LONG  
4       WAY TOWARDS PROTECTING THE ENVIRONMENT THAT WE LIVE  
5       IN. THAT IS MY REPORT ON THE POLICY COMMITTEE.

6                   CHAIRMAN PENNINGTON: THANK YOU, MR.  
7       JONES. I'M GOING TO GIVE THE COMMITTEE REPORT ON  
8       THE ADMINISTRATION COMMITTEE AND THEN FOLLOW THAT  
9       WITH MR. RELIS OF THE MARKET DEVELOPMENT COMMITTEE,  
10      WHO ALSO HAS A PRESENTATION.

11                  THE ADMINISTRATION COMMITTEE MET ON  
12      SEPTEMBER 15TH AND HEARD THREE ITEMS. TWO OF THE  
13      ITEMS ARE ON THE CONSENT CALENDAR AND INCLUDE THE  
14      APPROVAL OF CONTRACT CONCEPTS FOR MARKETING THE  
15      RECYCLING MARKET DEVELOPMENT ZONE AND THE APPROVAL  
16      OF THE AWARD OF THE RMDZ LEGAL SERVICES.

17                  THIRD ITEM WAS THE CONSIDERATION OF  
18      SPONSORING AMERICA RECYCLE DAY. BASED ON COMMITTEE  
19      DIRECTION, BOARD STAFF WILL PROVIDE MORE DETAIL  
20      TODAY ON HOW THE REQUESTED FUNDS WOULD BE USED TO  
21      PROMOTE PUBLIC AWARENESS OF AMERICA RECYCLES DAY  
22      THROUGHOUT CALIFORNIA.

23                  MARKET DEVELOPMENT COMMITTEE, MR.  
24      RELIS CHAIRMAN.

25                  BOARD MEMBER RELIS: MR. CHAIR, THE

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1 COMMITTEE HEARD ONE ITEM, AND IT DEALT WITH FIVE  
2 RMDZ LOANS THAT ARE PART OF TODAY'S PACKAGE. FOUR  
3 OF THESE LOANS ARE ON THE CONSENT CALENDAR, AND ONE  
4 WILL BE PRESENTED BY STAFF FOLLOWING DELIBERATIONS  
5 THAT HAVE BEEN HELD BETWEEN THE COMMITTEE MEETING  
6 AND THIS TO BRING THIS LOAN FORWARD.

7 SECONDLY, I'D LIKE TO REPORT JUST  
8 BRIEFLY ON THE RECENT NATIONAL RECYCLING CONGRESS  
9 MEETING HELD IN ORLANDO THIS LAST WEEK. I WAS  
10 THERE. MS. GOTCH WAS THERE AS WELL. SERVED ON A  
11 GROUP WITH U.S. EPA, TEXAS, STATE OF PENNSYLVANIA,  
12 AND NORTH CAROLINA IN THE PRESENTATIONS ON JOBS AND  
13 INVESTMENT THAT HAVE BEEN DEVELOPED AND OVERALL  
14 MARKET DEVELOPMENT IN EACH OF THESE STATES.

15 I'LL BE PULLING TOGETHER SOME OF THE  
16 JOB AND INVESTMENT FIGURES PRESENTED THERE WHICH  
17 WERE VERY IMPRESSIVE. THESE WERE REFLECTED BY OUR  
18 OWN INPUT AS WELL IN THE NATIONAL FIGURES. BUT  
19 NORTH CAROLINA, IN PARTICULAR, HAD A VERY EFFECTIVE  
20 BREAKDOWN OF THE MARKET STRUCTURE IN THAT STATE AND  
21 WHAT IT HAD PRODUCED BY WAY OF JOBS AND DOLLARS  
22 INVESTED IN MARKET TONS.

23 WE HAVE SIMILAR INFORMATION, BUT NOT  
24 SO MUCH ON THE JOBS SIDE SINCE WE MADE A PROJEC-  
25 TION, I THINK, ABOUT FOUR YEARS AGO OF 20,000 JOBS

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1       THROUGH AB 939 IMPLEMENTATION.

2                       HAD A CHANCE TO INTERACT, AS WE OFTEN  
3       DO ANNUALLY, WITH REPRESENTATIVES OF FRANCE,  
4       ECOIMBOLAGE, WHICH IS THE INDUSTRY SPONSORED  
5       RECOVERY SYSTEM FOR FRANCE, AND WITH CANADA ON  
6       SHARING APPROACHES TO MARKET DEVELOPMENT AND THE  
7       INFRASTRUCTURE STATUS IN THOSE COUNTRIES AND  
8       KICKING AROUND WHAT WE'RE DOING HERE IN CALIFORNIA.  
9       AND THAT WAS QUITE USEFUL, AND I'LL BE PULLING  
10      TOGETHER INFORMATION ON THAT TO SHARE FURTHER.

11                      IN ADDITION, WE HAD SOME IN-DEPTH  
12      MEETINGS WITH THE DISNEY ORGANIZATION, TOURED A  
13      RATHER SIGNIFICANT COMPOST FACILITY THAT SERVES  
14      DISNEY WORLD. IT'S A \$15 MILLION COMPOST FACILITY  
15      AND A \$6 MILLION MRF. DISCUSSED WITH SOME OF THE  
16      PLANNERS OF THAT -- IN THAT ORGANIZATION ABOUT THE  
17      PROSPECTS OF RECYCLED-CONTENT USE IN THE BUILDOUT  
18      OF DISNEY WORLD HERE IN CALIFORNIA IN ORANGE  
19      COUNTY. AND I'M SENDING THEM A LETTER FOLLOWING  
20      THE MEETING AND URGING THEM TO MAKE MORE CAREFUL  
21      CONSIDERATION OF RECYCLED-CONTENT IN THIS  
22      BUILDOUT,  
23      AND THAT WILL BE TIMELY BECAUSE OUR REPORT IS

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23        COMING OUT FROM STAFF THAT FOLLOWED THE PLAYA  
VISTA

24        L.A. DISCUSSIONS ON HOW TO DEVELOP SPECIFIC

25        MATERIALS USEFUL FOR LARGE AND SMALL  
CONSTRUCTION



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1 PROJECTS.

2 AT THIS TIME I'D LIKE TO TAKE A  
3 MOMENT AND GIVE OUT A RESOLUTION AND MAKE A FEW  
4 COMMENTS ABOUT SOME STAFF CONTRIBUTIONS IN THE  
5 MARKET DEVELOPMENT AREA. SO I'M GOING TO WALK DOWN  
6 HERE AND TAKE CARE OF THIS.

7 ALL RIGHT. I'D LIKE TO ASK MONICA  
8 CARLOS TO COME FORWARD. THANK YOU. I'D LIKE TO  
9 ACKNOWLEDGE AND COMMEND YOU FOR YOUR WORK AS  
10 ADMINISTRATOR FOR THE MARKET ZONE FOR LOS ANGELES  
11 COUNTY, THE RECYCLING MARKET DEVELOPMENT ZONE FOR  
12 LOS ANGELES COUNTY, WHICH INCLUDES THE  
13 UNINCORPORATED AREA OF THE COUNTY AND 14 CITIES.  
14 SO THIS IS A VERY SIGNIFICANT ZONE.

15 IT REPRESENTS, IN FACT, THE LARGEST  
16 MANUFACTURING CENTER IN THE ENTIRE NATION. AND  
17 WHEREAS, THERE IS A CRITICAL NEED IN THIS REGION OF  
18 THE STATE TO QUICKLY DEVELOP MARKETS FOR  
19 RECYCLABLES SO THAT LOCAL JURISDICTIONS CAN MEET  
20 THEIR DISPOSAL REDUCTION MANDATES AND PRESERVE  
21 LIMITED DISPOSAL CAPACITY; AND WHEREAS, YOU,  
22 MONICA, WITH THE COOPERATION AND SUPPORT  
PROVIDED

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23        THROUGH MONTHLY MARKETING MEETINGS, HAS  
24        DEMONSTRATED AN ABILITY TO WORK EFFECTIVELY  
WITH 15  
25        DIVERSE JURISDICTIONS, NO SMALL TASK; AND WHERE  
IN

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1       A VERY SHORT TIME, YOU HAVE DEMONSTRATED GREAT  
2       LEADERSHIP IN CREATIVELY MARKETING THE ZONE  
3       PROGRAM, INCLUDING DIRECT MARKETING EFFORTS,  
4       TARGETING 1400 BUSINESSES, AND IN ITS FIRST PHASE  
5       LED TO THE DEVELOPMENT OF SEVERAL PROSPECTIVE  
6       BUSINESSES, AND THAT YOU HAVE BEEN RESPONSIBLE FOR  
7       BRINGING FORWARD SEVERAL ZONE LOAN APPLICATIONS FOR  
8       BOARD CONSIDERATION, WE WOULD LIKE TO COMMEND LOS  
9       ANGELES COUNTY AND SPECIFICALLY YOU FOR YOUR  
10      LEADERSHIP AND YOUR INNOVATION IN MAKING A SUCCESS  
11      OF THIS PROGRAM. SO ON BEHALF OF THE BOARD,  
12      MONICA, THANK YOU VERY MUCH.

13                               (APPLAUSE.)

14               MS. CARLOS: I WOULD LIKE TO THANK YOU FOR  
15      THE PRESENTATION AND ALSO TO THANK ALL OF THE ZONE  
16      STAFF FOR ALL THE ASSISTANCE THAT I RECEIVED,  
17      SPECIFICALLY WITH CHUCK HAUBRICK WITH THE LOAN  
18      PROGRAM AND DASSI PINTAR WITH THE ZONE PROGRAM,  
19      BECAUSE WITHOUT THEIR UNDYING ASSISTANCE TO ALL MY  
20      EFFORTS, I WOULDN'T BE ABLE TO PROMOTE THE PROGRAM  
21      LIKE I HAVE.

22                               AND ALSO I'D LIKE TO COMMEND THE  
23      BOARD FOR THE RECENT REGULATION CHANGES BECAUSE I

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24 THINK A LOT OF THE CHANGES THAT HAVE BEEN MADE WILL

25 ENABLE LOS ANGELES COUNTY TO GET MORE BUSINESSES

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1 INVOLVED IN THE RMDZ LOAN PROGRAM. SO THAT'S IT.  
2 THANK YOU.

3 BOARD MEMBER RELIS: WELL, NOW THIS IS  
4 YOURS. SO AGAIN THANK YOU.

5 (APPLAUSE.)

6 BOARD MEMBER RELIS: NOW A FEW OTHER  
7 WORDS. AT THIS TIME I'D LIKE TO CALL UP TWO OF THE  
8 LOAN SECTION STAFF HERE, IF YOU WOULD, CHUCK AND  
9 ROMA. CHUCK AND ROMA HAVE BEEN FOCUSING ALL THEIR  
10 ENERGIES WORKING WITH KEY ZONE ADMINISTRATORS TO  
11 BOOST THE ACTIVITY LEVEL IN THE LOAN PROGRAM. I'D  
12 LIKE TO TAKE THIS OPPORTUNITY TO RECOGNIZE BOTH  
13 YOUR CONTRIBUTIONS BECAUSE THE LOAN PROGRAM, AS  
14 MANY OF YOU KNOW, SOME OF YOU KNOW, WE HAD VERY FEW  
15 PEOPLE STAFFING THAT PROGRAM UNTIL RECENTLY, AND WE  
16 FELL OFF IN OUR LOAN ACTIVITY. AND THIS WAS OF  
17 CONCERN TO THE BOARD AND TO FURTHERING OUR MISSION.

18 WITH ONE LOAN OFFICER TO COVER ALL  
19 SPECIAL CIRCUMSTANCES AND FORECLOSURE WORK, THE TWO  
20 REMAINING LOAN OFFICERS WERE LEFT TO COVER THE  
21 ENTIRE STATE. IT'S A BIG STATE, AND THAT'S A LOT  
22 TO EXPECT. BOTH OF YOU HAVE REALLY STEPPED TO THE  
23 PLATE IN TERMS OF FILLING IN WHAT WE HAD AS A VOID

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24       AND HELPING US MAKE THE PROGRAM REBOUND.   AND AS WE  
25       MOVE INTO A NEW ERA IN THE PROGRAM WITH A FULL

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1       COMPLEMENT OF STAFF WITH OUR RECENT NEW HIRES AND  
2       OUTSOURCING OF SOME OF THE MAJOR ADMINISTRATIVE  
3       TASKS THAT HAVE BURDENED OUR STAFF TIME AND KEPT US  
4       FROM BEING IN THE FIELD AS MUCH AS WE NEED TO BE ,  
5       IT'S TIME TO ACKNOWLEDGE THESE OUTSTANDING EFFORTS.

6               CHUCK, YOU HAVE BEEN WORKING IN  
7       PARTNERSHIP WITH MONICA, WHO WE JUST HEARD FROM, TO  
8       PRODUCE EXCELLENT RESULTS, MANY OF WHICH ARE ON  
9       TODAY'S AGENDA. CHUCK HAS PURSUED MAIL AND  
10      TELEMARKETING TO ACHIEVE THIS IMPRESSIVE RESULT.  
11      AND WANT TO THANK YOU SPECIFICALLY IN THAT REGARD.

12             AND, ROMA, YOU'VE BEEN SUPPORTING  
13      MANY OF THE OTHER ZONE ADMINISTRATORS IN A VERY  
14      SIMILAR FASHION, AND I KNOW I'VE HEARD VERY  
15      FAVORABLE FEEDBACK FROM THE FIELD ON BOTH OF YOU  
16      AND YOUR PERFORMANCE THERE.

17             SO LET ME JUST CONCLUDE BY SAYING WE  
18      OWE YOU A DEEP DEBT OF GRATITUDE HERE AT THE BOARD,  
19      AND THE STATE OF CALIFORNIA IS VERY WELL SERVED BY  
20      YOUR ABLE WORK. THANK YOU.

21             (APPLAUSE.)

22             CHAIRMAN PENNINGTON: OKAY. THANK YOU,  
23      MR. RELIS. THANK YOU FOR THOSE PRESENTATIONS.

24             NOW WE'LL MOVE TO THE EXECUTIVE  
25      DIRECTOR'S REPORT, MR. CHANDLER.

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1                   MR. CHANDLER:   THANK YOU, MR. CHAIRMAN,  
2   AND GOOD MORNING, MEMBERS.   I WOULD LIKE TO BRIEFLY  
3   UPDATE YOU ON A NUMBER OF IMPORTANT ISSUES SINCE  
4   OUR LAST MEETING.   STARTING FIRST, AS BOARD MEMBER  
5   GOTCH INDICATED IN HER REMARKS, WITH A LEGISLATIVE  
6   UPDATE.   AS YOU KNOW, THE FIRST HALF OF THE '96-'97  
7   LEGISLATIVE SESSION HAS ENDED, AND THE GOVERNOR HAS  
8   UNTIL OCTOBER 12TH TO SIGN, VETO, OR LET BILLS  
9   BECOME LAW WITHOUT HIS SIGNATURE.

10                   SO HERE'S A BRIEF STATUS REPORT ON  
11   SOME OF THE BILLS THE BOARD HAS BEEN FOLLOWING.  
12   STARTING FIRST WITH SB 1196 BY SENATOR LESLIE,  
13   WHICH WOULD HAVE EXEMPTED ALPINE COUNTY FROM THE  
14   REQUIREMENTS TO PREPARE A COUNTYWIDE SITING ELEMENT  
15   AND A SUMMARY PLAN, WAS DROPPED AT THE BOARD'S  
16   REQUEST AFTER THE ISSUES ALPINE COUNTY HAD WERE  
17   RESOLVED ADMINISTRATIVELY.

18                   THE COUNTY SUBMITTED A MUCH SIMPLER  
19   COUNTYWIDE SITING ELEMENT, MOSTLY PREPARED BY BOARD  
20   STAFF, AND THERE WAS NO REQUIREMENT TO DO A SUMMARY  
21   PLAN.

22                   THE FOLLOWING BILLS ARE NOW ON THE  
23   GOVERNOR'S DESK AWAITING ACTION:   AB 84 BY  
24   ASSEMBLYMAN WOODS DEALS WITH STATE CONTRACTS AND  
25   RECYCLING PRODUCTS AND PREFERENCES WHICH WOULD

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1        REQUIRE STATE AGENCIES TO GIVE A PRICE PREFERENCE  
2        NOT TO EXCEED 10 PERCENT TO PRODUCTS MANUFACTURED  
3        WITH RICE STRAW.

4                    ASSEMBLY BILL 705, STROM-MARTIN, ALSO  
5        DEALING WITH STATE RECYCLING, WOULD REQUIRE, UPON  
6        THE REQUEST OF A LOCAL AGENCY, THAT ANY STATE  
7        AGENCY DECLARE TO WHAT EXTENT IT INTENDS TO UTILIZE  
8        PROGRAMS OR FACILITIES ESTABLISHED BY THE LOCAL  
9        AGENCY FOR THE HANDLING, DIVERSION, AND DISPOSAL OF  
10       SOLID WASTE.

11                   AB 847 BY ASSEMBLYMAN WAYNE DEALS  
12       WITH DISCARDED MAJOR APPLIANCES, SPECIFICALLY THOSE  
13       IN THE AREA OF HAZARDOUS WASTES OR APPLIANCES THAT  
14       HAVE HAZARDOUS WASTE. THE BILL WOULD PROVIDE THAT  
15       A HAZARDOUS WASTE GENERATOR IS ANY PERSON WHO  
16       REMOVES FROM A MAJOR APPLIANCE ANY MATERIAL THAT  
17       REQUIRES SPECIAL HANDLING AND AS SUCH WOULD BE  
18       DESIGNATED AS A HAZARDOUS WASTE.

19                   AB 1055, VILLARAIGOSA, DEALING WITH  
20       PLAYGROUND EQUIPMENT AND FACILITIES, A GRANT  
21       PROGRAM, IT WOULD PROVIDE GRANTS TO LOCAL AGENCIES  
22       TO UPGRADE AND IMPROVE LOCAL PLAYGROUNDS THROUGH  
23       THE USE OF RECYCLED MATERIALS.

24                   I UNDERSTAND THAT SB 451 WAS VETOED  
25       BY THE GOVERNOR YESTERDAY. THAT HAD TO DO WITH

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1 LAND USE GENERAL PLANS.

2 SB 675, COSTA, DEALING WITH AIR  
3 POLLUTION ODORS, THIS WOULD EXTEND UNTIL FOUR  
4 YEARS FROM THE EFFECTIVE DATE OF THIS BILL CURRENT  
5 STATE PROVISIONS THAT DELEGATE PRIMARY REGULATORY  
6 RESPONSIBILITY FOR COMPOST FACILITY ODOR TO OUR  
7 LOCAL ENFORCEMENT AGENCIES.

8 SB 1066, SHER, SOLID WASTE IN DEALING  
9 SPECIFICALLY IN THE AREA OF MARKET DEVELOPMENT,  
10 THIS WOULD AUTHORIZE THE BOARD TO GRANT SINGLE- OR  
11 MULTIPLE-YEAR EXTENSIONS TO ACHIEVE THE GOALS OF  
12 THE INTEGRATED WASTE MANAGEMENT ACT. ADDITIONALLY,  
13 THE BILL WOULD REQUIRE THE BOARD'S MARKET DEVELOP-  
14 MENT PLAN TO INCLUDE EFFORTS TO ENCOURAGE AND  
15 PROMOTE COOPERATIVE REGIONAL PROGRAMS TO EXPAND  
16 MARKETS FOR RECYCLED MATERIALS AND INCLUDE  
17 ACTIVITIES TO ADDRESS PROBLEMS AND OPPORTUNITIES  
18 THAT ARE UNIQUE TO RURAL, URBAN, AND SUBURBAN AREAS  
19 OF THE STATE.

20 SB 1179, POLANCO, DEALING WITH SOLID  
21 WASTE ENTERPRISE AND INDEMNITY OBLIGATIONS FOR  
22 DIVERSION PENALTIES, THIS WOULD RESTRICT THE  
23 ABILITY OF LOCAL GOVERNMENTS TO IMPOSE MONETARY  
24 PENALTIES ON SOLID WASTE ENTERPRISES FOR THEIR  
25 ENTERPRISE'S FAILURE TO MEET SOLID WASTE DIVERSION

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1 MANDATES SPECIFIED IN THE INTEGRATED WASTE  
2 MANAGEMENT ACT.

3 SB 1330, LOCKYER, DEALING WITH SOLID  
4 WASTE, A FARM AND RANCH CLEANUP AND ABATEMENT GRANT  
5 PROGRAM, WOULD REQUIRE THE BOARD TO CREATE A GRANT  
6 PROGRAM TO CITIES AND COUNTIES TO COVER THE COST OF  
7 CLEANING UP SOLID WASTE ILLEGALLY DISPOSED ON FARM  
8 OR RANCH PROPERTY.

9 I WILL KEEP THE BOARD INFORMED HOW  
10 THE GOVERNOR ACTS ON THESE BILLS IN THE ENSUING  
11 DAYS.

12 SECONDLY, I'D LIKE TO BRING TO THE  
13 BOARD'S ATTENTION AN ITEM ON THE CONSENT CALENDAR,  
14 ITEM 27, WHICH IS THE COLTON LANDFILL PERMIT. THIS  
15 PERMIT BRINGS TO CONCLUSION AN EFFORT STARTED  
16 SEVERAL YEARS AGO BY BOARD STAFF AND THE LEA TO  
17 UPDATE THE PERMITS OF 17 COUNTY LANDFILLS IN SAN  
18 BERNARDINO COUNTY.

19 THE COUNTY IS NOW BEGINNING TO  
20 IMPLEMENT A STRATEGY TO REGIONALIZE ITS LANDFILL  
21 OPERATIONS, RESULTING IN SEVERAL LANDFILL  
CLOSURES

22 OVER THE NEXT FEW YEARS AND THE EXPANSION OF  
23 OTHERS.

24 I'M PLEASED TO REPORT THAT AS A

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PART

25 OF OUR EFFORTS TO MAKE MORE INFORMATION AVAILABLE

29



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1 OVER THE INTERNET, THE INVENTORY OF SOLID WASTE  
2 FACILITIES THAT VIOLATE STATE MINIMUM STANDARDS  
3 WILL BE ON-LINE WITHIN THE NEXT FEW DAYS. EVEN  
4 MORE IMPORTANTLY, I'M PLEASED TO REPORT THAT THE  
5 NUMBER OF FACILITIES LISTED IN THE INVENTORY HAS  
6 DECREASED SUBSTANTIALLY FROM 47 IN JANUARY OF THIS  
7 YEAR TO 30 JUST THIS MONTH OR A 42-PERCENT  
8 REDUCTION.

9 I'D ALSO LIKE TO BRIEFLY UPDATE YOU  
10 ON THE PROGRESS CITIES AND COUNTIES ARE MAKING IN  
11 FILING THEIR ANNUAL REPORTS. WE NOW HAVE RECEIVED  
12 APPROXIMATELY 330 OF THE 380 REPORTS DUE FOR THE  
13 1995 CALCULATIONS AND ARE WORKING TO OBTAIN THE  
14 REPORTS FROM THE REMAINING JURISDICTIONS. WE ALSO  
15 HAVE RECEIVED 223 OF THE CLOSE TO 500 ANNUAL  
16 REPORTS FOR 1996, WHICH WERE DUE AUGUST 1ST OF THIS  
17 YEAR.

18 LOCAL ASSISTANCE STAFF WILL SOON BE  
19 SENDING NOTICES OUT TO THE JURISDICTIONS THAT  
20 HAVEN'T COMPLIED AND REMIND THEM OF THE  
21 REQUIREMENT.

22 AND AS WAS MENTIONED IN MR. JONES'  
23 REPORT, AND I'LL JUST BRIEFLY UPDATE OR ADD TO  
24 THAT, STAFF IS IN THE PROCESS OF REVISING THE  
25 PROPOSED TRANSFER PROCESSING REGULATIONS TO

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REFLECT

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1       DIRECTION FROM THE P&E COMMITTEE. THE REVISED  
2       VERSION OF THE REGULATIONS WILL BE FORWARDED TO  
3       MEMBERS OF A CORE WORKING GROUP. THE WORKING GROUP  
4       WILL MEET ON OCTOBER 15TH TO INFORMALLY COMMENT ON  
5       THE REVISED VERSION OF THE REGULATIONS BEFORE  
6       COMING TO THE COMMITTEE AND THE BOARD IN NOVEMBER.

7                       ON SEPTEMBER 26TH, THE NONHAZARDOUS  
8       WASTE REGULATIONS WERE APPROVED BY THE OFFICE OF  
9       ADMINISTRATIVE LAW AND ARE EFFECTIVE. STAFF IS IN  
10      THE FINAL STAGES OF COMPLETING AN LEA ADVISORY IN  
11      COOPERATION WITH THE DEPARTMENT OF FOOD AND  
12      AGRICULTURE. THE LEA ADVISORY WILL PROVIDE  
13      GUIDANCE ON HOW TO HANDLE COMPLAINTS OR OTHER  
14      ISSUES RELATED TO THE APPLICATION OF NONHAZARDOUS  
15      ASH TO AGRICULTURAL LAND.

16                     AND THAT CONCLUDES MY REPORT. I  
17      WOULD LIKE TO, JUST AS A FOOTNOTE, MENTION THAT  
18      TOMORROW, IN THE SECOND DAY OF OUR BOARD MEETING,  
19      WE WILL BE DEDICATING THAT SESSION TO A STAFF  
20      PRESENTATION SURROUNDING THE IMPLEMENTATION OF OUR  
21      STRATEGIC PLAN, SPECIFICALLY OUR EFFORTS TO  
22      EVALUATE EACH AND EVERY PROGRAM WITH THE GOAL OF  
23      BEGINNING DELIBERATIONS WITH THE BOARD ON FOCUSING

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24       OUR BOARD ACTIVITIES TO THOSE VITAL FEW STRATEGIES  
25       THAT WILL ACCOMPLISH OUR LEGISLATIVE MANDATES.

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1                   SO I WOULD ENCOURAGE ANY OF THOSE IN  
2       THE AUDIENCE WHO WISH TO HEAR THAT TO CONSIDER  
3       ATTENDING. AND, AGAIN, THAT CONCLUDES MY REMARKS.  
4       THANK YOU.

5                   CHAIRMAN PENNINGTON: THANK YOU, MR.  
6       CHANDLER. NOW WE'LL MOVE TO CONSIDERATION OF THE  
7       CONSENT CALENDAR. THE CONSENT CALENDAR INCLUDES  
8       ITEMS 4, 5, 7 THROUGH 22, 24 THROUGH 30, 33A  
9       THROUGH 33D AND 34.

10                  IS THERE ANY MEMBER WHO WISHES TO  
11       PULL ANY ITEMS OFF THE CONSENT CALENDAR?

12                  BOARD MEMBER CHESBRO: MR. CHAIRMAN.

13                  CHAIRMAN PENNINGTON: MR. CHESBRO.

14                  BOARD MEMBER CHESBRO: I'D LIKE TO PULL  
15       ITEMS 4A AND ITEM 5 OFF THE CONSENT.

16                  CHAIRMAN PENNINGTON: OKAY. OKAY.  
17       PULLING 4A AND 5.

18                  ANYONE ELSE WISHING TO PULL ANYTHING  
19       FROM THE CONSENT CALENDAR? IF NOT, I'LL ACCEPT A  
20       MOTION.

21                  BOARD MEMBER CHESBRO: SO MOVED.

22                  BOARD MEMBER JONES: SECOND.

23                  CHAIRMAN PENNINGTON: OKAY. IT'S BEEN  
24       MOVED AND SECONDED THAT THE CONSENT CALENDAR  
BE

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25        APPROVED WITH 4A AND 5 BEING REMOVED.    WILL  
THE

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1 SECRETARY CALL THE ROLL.

2 THE SECRETARY: BOARD MEMBER CHESBRO.

3 BOARD MEMBER CHESBRO: AYE.

4 THE SECRETARY: GOTCH.

5 BOARD MEMBER GOTCH: AYE.

6 THE SECRETARY: JONES.

7 BOARD MEMBER JONES: AYE.

8 THE SECRETARY: RELIS.

9 BOARD MEMBER RELIS: AYE.

10 THE SECRETARY: CHAIRMAN PENNINGTON.

11 CHAIRMAN PENNINGTON: AYE. MOTION

12 CARRIES.

13 LET'S SEE. WE'LL GO TO ITEM 4 NOW.

14 WE'LL MOVE TO ITEM 4A, I GUESS.

15 BOARD MEMBER CHESBRO: MR. CHAIRMAN, JUST

16 IN KEEPING WITH THE ADDITION OF REDUCE, RECUSE,

17 RECYCLE, I'M GOING TO RECUSE MYSELF ON THIS ITEM

18 BECAUSE OF THE POSSIBLE APPEARANCE OF A VERY REMOTE

19 CONFLICT OF INTEREST. I SERVE AS AN UNPAID MEMBER

20 OF THE BOARD OF DIRECTORS OF A NONPROFIT

21 ORGANIZATION THAT MAY SUBMIT BIDS FOR THIS

22 CONTRACT. ALTHOUGH THERE IS NO ACTUAL CONFLICT

23 BECAUSE I AM VOLUNTEERING MY TIME ON THAT BOARD AND

24 RECEIVE NO INCOME FOR IT, AND THE BOARD IS NOT

25 AWARDED THIS CONTRACT TODAY, IT'S ONLY APPROVING

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1 THE CONTRACT CONCEPT, I AM REFRAINING FROM  
2 DISCUSSING OR IN ANY WAY ATTEMPTING TO INFLUENCE  
3 THIS CONTRACT IN EITHER MY CAPACITY AS A MEMBER OF  
4 THIS BOARD OR AS AN OFFICER OF THAT NONPROFIT  
5 ORGANIZATION.

6 CHAIRMAN PENNINGTON: OKAY. SO WE NEED A  
7 MOTION TO APPROVE CONSIDERATION OF CONCEPT  
8 CONTRACT -- CONTRACT CONCEPT FOR MARKETING THE  
9 RECYCLING MARKET DEVELOPMENT LOAN ZONE FOR FISCAL  
10 '97-'98, NO. A, RMDZ MANUFACTURING BUSINESS  
11 INVESTMENT FORUMS.

12 BOARD MEMBER GOTCH: SECONDED.

13 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND  
14 SECONDED. IF THERE'S NO FURTHER DISCUSSION, WILL  
15 THE SECRETARY CALL THE ROLL.

16 THE SECRETARY: BOARD MEMBER GOTCH.

17 BOARD MEMBER GOTCH: AYE.

18 THE SECRETARY: JONES.

19 BOARD MEMBER JONES: AYE.

20 THE SECRETARY: RELIS.

21 BOARD MEMBER RELIS: AYE.

22 THE SECRETARY: CHAIRMAN PENNINGTON.

23 CHAIRMAN PENNINGTON: AYE. MOTION  
24 CARRIES.

25 MS. TRGOVCICH: MR. CHAIRMAN, IF I CAN

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1 JUST SEEK SOME CLARIFICATION THAT WE SOUGHT IN  
2 COMMITTEE WHEN WE TOOK UP THIS ITEM. ITEM NO. 4A  
3 AND THE PRESENTATION THAT WE HEARD FROM U.S. EPA,  
4 THE COMMITTEE APPROVED THAT CONCEPT IN COOPERATION  
5 WITH U.S. EPA, SO THIS WOULD NOT BE PURSUED IN A  
6 COMPETITIVE PROCESS, BUT WOULD BE PURSUED AS A  
7 STANDARD AGREEMENT WITH U.S. EPA. SO IF IT WOULD  
8 BE POSSIBLE TO INCLUDE THAT AS A PART OF THE  
MOTION

9 AS WELL.

10 CHAIRMAN PENNINGTON: OKAY.

11 MS. TRGOVCICH: I APOLOGIZE. THAT  
WAS THE

12 MODIFICATION THAT WAS MADE IN COMMITTEE.

13 CHAIRMAN PENNINGTON: OH, OKAY.  
SORRY. I

14 MOVED TOO FAST ON YOU THEN. WILL THE MAKER  
OF THE

15 MOTION --

16 BOARD MEMBER JONES: YES, IT IS  
AMENDED AS

17 DIRECTED.

18 CHAIRMAN PENNINGTON: AS REQUESTED  
BY

19 STAFF.

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20 BOARD MEMBER GOTCH: SECOND.

21 CHAIRMAN PENNINGTON: AND THE  
SECOND

22 ACCEPTS THAT AMENDMENT. IS THAT CLEAR?

23 THE SECRETARY: YES.

24 CHAIRMAN PENNINGTON: I GUESS WE'LL  
TAKE

25 ANOTHER VOTE ON IT. WILL YOU CALL THE ROLL.

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1 THE SECRETARY: BOARD MEMBER GOTCH.

2 BOARD MEMBER GOTCH: AYE.

3 THE SECRETARY: JONES.

4 BOARD MEMBER JONES: AYE.

5 THE SECRETARY: RELIS.

6 BOARD MEMBER RELIS: AYE.

7 THE SECRETARY: CHAIRMAN PENNINGTON.

8 CHAIRMAN PENNINGTON: AYE. MOTION

9 CARRIES AS AMENDED.

10 OKAY. ITEM NO. 5, CONSIDERATION OF  
11 CONTRACT CONCEPT AND APPROVAL TO AWARD A CONTRACT  
12 TO BOUTIN, DENTINO, GIBSON & DI GIUSTO FOR THE  
13 SPECIALIZED LEGAL SERVICES IN SUPPORT OF THE  
14 RECYCLING MARKET DEVELOPMENT ZONE REVOLVING LOAN  
15 PROGRAM. THIS WAS APPROVED BY THE ADMINISTRATION  
16 COMMITTEE. KATHRYN.

17 MS. TOBIAS: THE QUESTION IS, I THINK,  
18 FROM BOARD MEMBER CHESBRO IS WHY THIS PARTICULAR  
19 CONTRACT IS NOT PUT OUT TO PUBLIC BID. THE PUBLIC  
20 CONTRACT CODE, SPECIFICALLY SECTION 10380, AND  
21 GOVERNMENT CODE SECTION 14827.3 GIVE THE DEPARTMENT  
22 OF GENERAL SERVICES AUTHORITY TO DETERMINE THE  
23 TYPES OF CONTRACTS THAT MAY BE EXEMPT FROM THE  
24 COMPETITIVE BIDDING PROCESS. THE STATE

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25 ADMINISTRATIVE MANUAL, SECTION 1233, SPECIFICALLY  
36

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1 EXEMPTS LEGAL SERVICES CONTRACTS.

2 SO THIS IS A STANDARD OPERATING  
3 PROCEDURE BY ALL STATE AGENCIES. I WILL ADD THAT  
4 WHEN IT IS APPROPRIATE CONTRACTS WHICH SERVE THE  
5 LOAN PROGRAM, FOR EXAMPLE, EVEN THOUGH THEY MAY  
6 HAVE A SMALL LEGAL COMPONENT, ARE BEING PUT OUT TO  
7 BID. SO THE ONLY ONES THAT ARE NOT ARE WHERE THEY  
8 ARE SPECIFICALLY COMPLETELY LEGAL AND WHERE WE HAVE  
9 FOUND THAT WE NEED SOME VERY SPECIFIC TYPE OF LEGAL  
10 ASSISTANCE.

11 BOARD MEMBER CHESBRO: MR. CHAIRMAN.

12 CHAIRMAN PENNINGTON: MR. CHESBRO.

13 BOARD MEMBER CHESBRO: I HAVE SEVERAL  
14 ISSUES ON THIS ITEM. THE FIRST ONE I RAISE IN  
15 LIGHT OF, WHICH KATHRYN HAS ADDRESSED AT LEAST  
16 THE  
17 LEGAL REQUIREMENTS OF, I RAISE IN LIGHT OF OUR  
18 BUDGET CONSTRAINTS AND THE NEED FOR US TO BE  
19 WATCHING ALL ALONG WHETHER WE ARE GETTING THE  
20 MOST  
21 ECONOMICAL APPROACH TO A PARTICULAR CONTRACTOR  
22 ISSUE.

21 I'D LIKE TO SEE COMPETITIVE  
BIDDING

22 FOR LEGAL SERVICES WHEREVER POSSIBLE, AND I

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23 UNDERSTAND THAT COMPETITIVE BIDS ARE NOT  
REQUIRED,

24 BUT I DO THINK THAT THE BOARD NEEDS TO  
CONTINUALLY

25 LOOK AT WAYS TO PUSH ADMINISTRATIVE COSTS DOWN.



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1                   MY SECOND CONCERN IS THAT I'M NOT  
2           COMPLETELY CLEAR ON THE SCOPE OF THE CONTRACT.  
3           THIS PARTICULAR LEGAL FIRM HAS DONE WORK ON TIRES,  
4           RMDZ, AND LOAN CLOSING OR FORECLOSURE WORK. AND I  
5           JUST WANT SOME CLARIFICATION ON WHETHER OR NOT ALL  
6           OF THOSE ITEMS WILL BE FUNDED UNDER THIS CONTRACT  
7           OR WHETHER IT'S SPECIFICALLY JUST FOR THE LOAN  
8           PROGRAM SERVICES.

9                   AND THE LAST ISSUE IS PROBABLY THE  
10          MOST IMPORTANT; AND THAT IS, I BELIEVE WE OUGHT TO  
11          BE LOOKING AT, AGAIN GIVEN OUR BUDGET CONSTRAINTS,  
12          CONTINUALLY IMPROVING OUR IN-HOUSE CAPACITY OR AT  
13          LEAST MAKING A DECISION ABOUT WHAT'S THE MOST  
14          COST-EFFECTIVE MEANS OF PROVIDING A SERVICE. AND  
15          IN THAT LIGHT, GIVEN THE FACT THAT IT'S A QUARTER  
16          OF A MILLION DOLLARS, I WOULD LIKE TO KNOW WHETHER  
17          OR NOT WE LOOKED AT THE QUESTION OF DOING THIS WORK  
18          IN-HOUSE.

19                   I KNOW A PREVIOUS ATTORNEY IN THE  
20          LEGAL OFFICE HAD SOME OF THESE CAPABILITIES, AND I  
21          GUESS THE QUESTION IS NOT JUST DID WE LOOK AT IT,  
22          BUT IS IT POSSIBLE FOR US TO USE -- IT'S GOING TO  
23          BE APPROVED AND I'M EVEN PROBABLY GOING TO VOTE FOR

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24 IT -- TO BUILD UP THAT CAPACITY WITHIN THE LEGAL  
25 OFFICE FOR THE FUTURE IN TERMS OF INCREASING OUR

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1 ABILITY TO DO MORE OF THIS WORK IN-HOUSE AND SPEND  
2 LESS MONEY ON THE CONTRACTED-OUT SERVICES.

3 MS. TOBIAS: LET ME RESPOND TO A COUPLE OF  
4 THOSE POINTS. IN TERMS OF COMPETITIVE PRICE, I  
5 THINK WE ACTUALLY HAVE AN EXTREMELY COMPETITIVE  
6 PRICE ON THIS PARTICULAR CONTRACTOR. WHEN I CAME  
7 ON BOARD, THIS PARTICULAR CONTRACTOR HAD ALREADY  
8 BEEN SELECTED TO WORK WITH THE LOAN PROGRAM WITH  
9 MAUREEN MORRISON, WHO WAS THE PREVIOUS ATTORNEY WHO  
10 WAS WORKING ON THE LOAN PROGRAM.

11 WE RENEGOTIATED THEIR PRICE WHEN  
12 THEIR CONTRACT NEXT CAME UP, WHICH WAS SEVERAL  
13 ITERATIONS AGO. AND I HAVE TO SAY I THINK THIS IS  
14 AN EXTREMELY COMPETITIVE PRICE GIVEN THE CURRENT  
15 COST OF LEGAL SERVICES ON THE MARKET. WE HAVE A  
16 BLENDED RATE, WHICH INCLUDES THEIR PARALEGAL WHO  
17 WORKS ON A LOT OF THE RESEARCH AND THE ATTORNEY.  
18 WE WORK SPECIFICALLY WITH ONE ATTORNEY. WE'RE VERY  
19 CAREFUL ON THEIR COSTS. AND I HAVE TO SAY, GIVEN  
20 MY PREVIOUS EXPERIENCE AT A LAW FIRM, I FEEL LIKE  
21 WE'RE EXTREMELY COMPETITIVE WITH THIS, AND THAT THE  
22 CONTRACT IS VERY WELL MANAGED.

23 AS TO THE IN-HOUSE CAPACITY, IT'S

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24 TRUE THAT WHEN THIS LOAN PROGRAM DID START OUT, I

25 THINK THAT THE PROPOSAL WAS TO TRAIN ONE OF OUR

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1       ATTORNEYS SO THAT AT SOME POINT WE MIGHT EVEN PHASE  
2       OUT THIS PARTICULAR EXPERTISE OR THIS PARTICULAR  
3       CONTRACT, I SHOULD SAY. WHAT WE FOUND WAS THAT, TO  
4       A CERTAIN EXTENT, THE TYPES OF PROBLEMS THAT WE SEE  
5       WITH THE -- I SHOULD SAY THE TYPES OF PROBLEMS THAT  
6       GO TO THE OUTSIDE COUNSEL ARE ACTUALLY VERY  
7       COMPLEX. THEY USUALLY INVOLVE A SITUATION WHICH WE  
8       HAVE NOT SEEN BEFORE AND WHICH MOST LOAN COUNSEL  
9       WOULD NOT SEE BEFORE BECAUSE OF THE UNIQUENESS OF  
10      OUR PROGRAM. THEY INCLUDE DIFFERENT TYPES OF  
11      COLLATERAL, DIFFERENT TYPES OF GUARANTORS,  
12      DIFFERENT TYPES OF SITUATIONS IN WHICH THE  
13      GUARANTORS ARE INVOLVED.

14                       SO WE CURRENTLY HAVE AN ATTORNEY  
15      WORKING ON THIS PROJECT WHO DOES HAVE A FAIR AMOUNT  
16      OF EXPERTISE IN THE LOAN AREA. I THINK SHE'S  
17      WORKED OUT A VERY EXPEDITIOUS TYPE OF REVIEW WITH  
18      BOTH LOAN STAFF AND OUTSIDE COUNSEL. SO THE ONLY  
19      THINGS THAT GO TO OUTSIDE COUNSEL ARE REALLY VERY  
20      COMPLEX MATTERS.

21                       THE GOOD THING ABOUT HAVING OUTSIDE  
22      COUNSEL IN THAT PARTICULAR SITUATION IS THAT WHERE  
23      WE -- OUR ATTORNEYS AND OUR LOAN STAFF SEE A VERY

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24       PARTICULAR TYPE OF LOAN IN OUR SITUATION.   THE  
25       LOAN -- THE ATTORNEYS WHO WORK FOR THE OUTSIDE FIRM

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1 ARE WORKING ACROSS THE STATE IN A LOT OF DIFFERENT  
2 LOAN TYPES OF SITUATIONS WITH DIFFERENT KINDS OF  
3 BANKS, DIFFERENT TYPES OF SITUATIONS, SO THEY ARE  
4 SEEING FAR MORE LOAN PROBLEMS THAN WE WOULD EVER  
5 SEE. AND IT REALLY HAS BEEN A HUGE BENEFIT FOR US  
6 TO BE ABLE TO TAP INTO THAT RESOURCE.

7 I HAVE TO SAY I REALLY DO THINK THIS  
8 ATTORNEY WHO WORKS ON THESE HAS A VERY GOOD  
9 BACKGROUND IN THE LOANS AREA IN THESE TYPES OF  
10 SITUATIONS.

11 WITH RESPECT TO THE TYPES OF SERVICES  
12 THEY PROVIDE, THIS CONTRACT IS FOR LOAN SERVICES  
13 WITH THIS PARTICULAR ATTORNEY. I DON'T KNOW IF YOU  
14 WANT TO ADD ANYTHING TO THAT, CAREN.

15 MS. TRGOVCICH: MAYBE JUST TO BRING YOU  
16 BACK TO LAST MONTH'S BOARD MEETING WHERE WE CHOSE  
17 NOT TO AWARD THIS VERY CONTRACT IN A COMPETITIVE  
18 BID PROCESS BECAUSE WE DIDN'T RECEIVE ANY QUALIFIED  
19 BIDS, THAT WHAT WE INDICATED WE WOULD DO, AND  
20 THAT'S THE CONCEPT AND AWARD BEFORE YOU TODAY, IS  
21 COMBINE THE LEGAL SERVICES FOR FORECLOSURE WORK,  
22 WHICH WAS THE SUBJECT OF THE COMPETITIVE BID LAST  
23 MONTH, WITH THE LEGAL SERVICES FOR LOAN

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24       ORIGINATION.   AND SO THAT IS WHAT THIS CONTRACT,  
25       THIS SCOPE OF WORK COVERS IS -- ARE THOSE TYPES OF



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1       LEGAL SERVICES.

2                       BUT IN PARTICULAR, WE'RE MERGING WITH  
3       OUR TRADITIONAL LEGAL SERVICES OUTSIDE CONTRACT THE  
4       FORECLOSURE WORK VERY SPECIFICALLY INTO THIS SCOPE  
5       OF WORK.  AND THAT WAS THE ITEM THAT WAS NOT  
6       AWARDED LAST MONTH.

7                       CHAIRMAN PENNINGTON:  OKAY.

8                       BOARD MEMBER RELIS:  MR. CHAIR, I BELIEVE  
9       MR. CHESBRO BRINGS UP SOME GOOD POINTS.  WE DO HAVE  
10      TO BE VERY CAREFUL ABOUT OUR BUDGETING AND MAKING  
11      SURE THAT A CONTRACT OF \$250,000 IS WELL APPLIED TO  
12      OUR TASK.  BUT I WOULD NOTE THAT THE MASSING OF  
13      EXPERTISE IS CRITICAL TO THIS PROGRAM, THE ABILITY  
14      TO SAFEGUARD THE BOARD, ON THE DOWNSIDE TO COLLECT  
15      WHEN WE HAVE FAILURES AND WORK THROUGH THE  
16      LABYRINTH OF ISSUES THAT COME UP IN THESE COMPLEX  
17      LOAN ARRANGEMENTS.

18                      AND I THINK WE COULD EASILY LOSE  
19      SIGHT OF, IN A DESIRE TO BUILD IN STAFF EXPERTISE,  
20      YOU KNOW, IT'S EASY TO NOT ACCOUNT FOR THE TIME.  
21      IT'S ONE THING TO HAVE A STAFF MEMBER AND THEN NOT  
22      BE AWARE FULLY OF ALL THE RAMIFICATIONS OF STAFF  
23      TIME TIED UP IN TRYING TO ACCOMPLISH WHAT WE'RE

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24 DOING HERE WITH OUTSIDE COUNSEL.

25 SO I FEEL STAFF HAS MADE A GOOD CASE

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1       FOR THIS POSITION AND CHECKED, I'M ASSURED BY  
2       HEARING THE -- FROM COUNSEL, THAT WE HAVE SATISFIED  
3       THE CONCERN OVER KEEPING A STRAIGHT CONTRACT  
4       WITHOUT GOING OUT TO BID HERE. AND SO I WOULD MOVE  
5       CONCURRENCE.

6               BOARD MEMBER GOTCH: I'LL SECOND.

7               CHAIRMAN PENNINGTON: OKAY. IT'S BEEN  
8       MOVED AND SECONDED. ANY FURTHER DISCUSSION?

9               BOARD MEMBER CHESBRO: YES, MR. CHAIRMAN.  
10       COULD I GET SOME CLARIFICATION ON WHAT PROPORTION  
11       OF THE CONTRACT IS FOR THE DIFFERENT TYPES OF  
12       SERVICES? IS IT SPECIFIED OR IS IT ALL JUST A  
13       GENERAL POT OF MONEY?

14              MS. TRGOVCICH: IT'S NOT SPECIFIED PER  
15       SE. IT'S MORE A MATTER OF WHERE THE NEED IS, WHAT  
16       THE SPECIFIC COMPLEX MATTER IS THAT WE NEED TO  
17       REFER. AS STAFF, WE SEEK THE LEGAL OFFICE'S  
18       ASSISTANCE, AND IT WOULD BE THEIR DETERMINATION.

19              MS. TOBIAS: I'M NOT SURE UNLESS YOU HAVE  
20       A MORE DEFINITIVE.

21              BOARD MEMBER CHESBRO: THERE'S SEVERAL  
22       DIFFERENT ITEMS BEING FUNDED WITHIN THE CONTRACT  
23       HERE, AND I'M CURIOUS WHICH PORTION OF THE  
CONTRACT

24       IS EXPECTED TO GO TO WHICH OF THOSE ITEMS.

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25

MS. TRGOVCICH: IT'S REALLY GOING TO BE  
43

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1       DEPENDENT UPON THE TYPE OF SERVICES REQUIRED.  IF  
2       WE HAVE A VERY COMPLEX MATTER THAT -- IN TERMS OF  
3       AN APPLICATION THAT'S COME FORWARD AND VERY  
COMPLEX

4       AGREEMENTS THAT NEED TO BE EXECUTED IN SUPPORT OF  
5       THE LOAN TO BE FUNDED, PROPOSED TO BE FUNDED, THEN  
6       WE WOULD SEE MONEY COMING OUT AND SUPPORTING THE  
7       ORIGINATION ASPECT.

8 IF WE HAVE A VERY COMPLEX FORECLOSURE

9 SITUATION -- AS YOU WILL RECALL, WE WERE RECENTLY  
10 IN BANKRUPTCY COURT BACK IN OHIO, AND IT BECAME  
11 VERY INVOLVED THERE WITH SEPARATE NEGOTIATIONS AND  
12 DISCUSSIONS WITH THE BORROWER ON THAT END. THEN  
WE  
13 WOULD BE SEEKING OUTSIDE COUNSEL ASSISTANCE IN  
THAT  
14 REGARD.

15 I THINK PART OF WHAT WE'RE LOOKING  
AT  
16 HERE IS ON AN AS-NEEDED BASIS SERVICES RENDERED.  
17 THEY WILL NOT BE PERFORMING TASKS UNLESS REQUESTED  
18 AND ONLY REQUESTED WHEN WE DO NOT HAVE THE  
19 EXPERTISE TO ADDRESS THOSE SITUATIONS.

20 BOARD MEMBER CHESBRO: LET ME MAKE ONE

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21 FINAL COMMENT HERE, AND THAT IS THAT I WOULD LIKE  
22 FOR THE LEGAL OFFICE AND THE MARKETS DIVISION TO  
BE  
23 MONITORING THE -- THESE ACTIVITIES WITH A MIND TO  
24 BRINGING WHATEVER CAN BE BROUGHT IN-HOUSE IN TERMS  
25 OF DEVELOPING EXPERTISE WITHIN THE LEGAL OFFICE

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1        THAT CAN BE ACHIEVED.    AND I'M GOING TO GO AHEAD  
2        AND VOTE FOR THIS, BUT I WOULD LIKE FOR US TO, ON  
3        AN ONGOING BASIS, TO BE EXAMINING THOSE QUESTIONS  
4        AND TRYING TO BUILD UP THE BOARD'S CAPACITY.

5                        THIS GOES FOR OTHER CONTRACTS TOO  
6        WHENEVER THERE'S AN OPPORTUNITY -- THIS IS MORE  
7        DIRECTED TO MR. CHANDLER -- WHENEVER THERE'S AN  
8        OPPORTUNITY TO USE RESOURCES TO BUILD UP STAFF  
9        CAPACITY SO WE HAVE LESS CONTRACTING OUT, THEN I  
10       THINK WE SHOULD TAKE ADVANTAGE OF THAT, AND THAT  
11       SHOULD BE ONE OF THE THINGS WE'RE ALWAYS LOOKING AT  
12       IN THE CONTRACT PROCESS.

13                      MS. TOBIAS:    LEGAL OFFICE IS ALWAYS OPEN  
14        TO HAVING THEIR STAFF BUILT UP, MR. CHESBRO.

15                      CHAIRMAN PENNINGTON:    OKAY.    ANY FURTHER  
16        DISCUSSION?    IF NOT, WE HAVE A MOTION TO APPROVE  
17        THIS CONTRACT CONCEPT.    SECRETARY CALL THE ROLL.

18                      THE SECRETARY:    BOARD MEMBER CHESBRO.

19                      BOARD MEMBER CHESBRO:    AYE.

20                      THE SECRETARY:    GOTCH.

21                      BOARD MEMBER GOTCH:    AYE.

22                      THE SECRETARY:    JONES.

23                      BOARD MEMBER JONES:    AYE.

24                      THE SECRETARY:    RELIS.

25                      BOARD MEMBER RELIS:    AYE.

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1 THE SECRETARY: CHAIRMAN PENNINGTON.

2 CHAIRMAN PENNINGTON: AYE. MOTION  
3 CARRIES.

4 WE'LL MOVE TO ITEM 6, CONSIDERATION  
5 OF SPONSORING AMERICA RECYCLES DAY.

6 MR. FRITH: THANK YOU, MR. CHAIRMAN,  
7 MEMBERS OF THE BOARD. FORGIVE MY VOICE. I'M  
8 FIGHTING A RATHER NASTY COLD TODAY, SO WILL TRY TO  
9 MAKE MYSELF COHERENT.

10 FIRST OF ALL, I'D LIKE TO ASK MS.  
11 KELLY TO PASS OUT COPIES OF LETTERS ADDRESSED TO  
12 YOU FROM J. MICHAEL HULLS, RECYCLING CONSULTANT, ON  
13 THIS ITEM. IT CAME TO OUR FAX MACHINE IN PUBLIC  
14 AFFAIRS.

15 CHAIRMAN PENNINGTON: THANK YOU.

16 MR. FRITH: BEFORE YOU TODAY IS AN ITEM  
17 RECOMMENDING THAT THE BOARD APPROVE SPONSORING  
18 AMERICA RECYCLES DAY. A WIDE RANGE OF INDUSTRY AND  
19 ENVIRONMENTAL GROUPS ARE SPONSORING A NEW EVENT  
20 THIS YEAR. THIS NATIONWIDE EFFORT IS DESIGNED TO  
21 INCREASE RECYCLING AND BUY RECYCLED RATES ACROSS  
22 THE COUNTRY, AS WELL AS RECAPTURING MEDIA ATTENTION

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23       AND PUBLIC AWARENESS OF RECYCLING, WASTE REDUCTION,

24       AND BUYING RECYCLED.

25                       THE ORGANIZERS ARE SPONSORING EVENTS

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1       IN CALIFORNIA AND HAVE ASKED THE INTEGRATED WASTE  
2       MANAGEMENT BOARD TO SUPPORT THEIR EFFORTS THROUGH A  
3       VARIETY OF MEANS, INCLUDING A \$5,000 FINANCIAL  
4       CONTRIBUTION. AS THE CHAIR KNOWS, ON SEPTEMBER  
5       15TH, THE ADMINISTRATION COMMITTEE VOTED TWO TO ONE  
6       TO SEND THIS ITEM TO THE FULL BOARD WITHOUT A  
7       RECOMMENDATION AND DIRECTED STAFF TO PROVIDE  
8       ADDITIONAL INFORMATION CONCERNING SPECIFIC LOCAL  
9       EVENTS BEING PLANNED AND AN UPDATE ON HOW MUCH  
10      OTHER BUSINESSES AND ORGANIZATIONS WERE PROVIDING.

11                   ADDITIONALLY, THE COMMITTEE MEMBERS  
12      INDICATED AT THE TIME THAT THE ENTIRE BOARD SHOULD  
13      CONSIDER ESTABLISHING PRIORITIES FOR SPONSORSHIP.

14                   WE DO HAVE SOME UPDATES FOR YOU  
15      TODAY. FIRST OF ALL, AMERICA RECYCLES DAY IS A  
16      NATIONWIDE EVENT. INDIVIDUAL STATE ORGANIZATIONS  
17      HAVE BEEN SET UP IN 41 STATES AND THE U.S. VIRGIN  
18      ISLANDS. IN MOST OF THESE STATES THE PRIMARY STATE  
19      RECYCLING AGENCY IS THE LEAD ORGANIZER. IN  
20      CALIFORNIA, HOWEVER, SWANA HAS TAKEN THE LEAD ROLE  
21      ALONG WITH THE STEEL RECYCLING INSTITUTE AND  
22      CALIFORNIANS AGAINST WASTE. BOARD MEMBER CHESBRO  
23      SERVED AS A MEMBER OF THE CALIFORNIA STEERING  
24      COMMITTEE.

25                   THE STATE ORGANIZERS ADOPTED A

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1 PROPOSED BUDGET OF \$134,000, WITH THE LARGEST  
2 PROPOSED EXPENDITURE BEING \$50,000 FOR MEDIA BUYS,  
3 PRINT, TELEVISION, AND RADIO; \$25,000 IN LOCAL  
4 BANNERS, SIGNS, AND PRIZES; \$13,000 TO PRINT PLEDGE  
5 CARDS. AND THESE ARE CARDS IN WHICH PEOPLE PLEDGE  
6 TO RECYCLE AND BUY RECYCLED, AND THEY'RE THEN  
7 ENTERED INTO A CONTEST FOR A NUMBER OF PRIZES,  
8 INCLUDING THE NATIONWIDE GRAND PRIZE, WHICH IS A  
9 NEW HOUSE MADE FROM RECYCLED-CONTENT MATERIALS;  
10 AND STATE PRIZES BEING \$10,000.

11 AS OF SEPTEMBER 22D, STATE ORGANIZERS  
12 HAD RECEIVED \$25,000 IN CASH CONTRIBUTIONS, \$10,000  
13 FROM 2020 RECYCLING, AND \$5,000 EACH FROM WASTE  
14 MANAGEMENT INC., USA WASTE, AND TETRA PACK, THE  
15 LATTER BEING A MAKER OF ASEPTIC DRINK BEVERAGE  
16 CONTAINERS. ORGANIZERS HAD ALSO RECEIVED  
17 APPROXIMATELY \$10,000 IN IN-KIND CONTRIBUTIONS AT  
18 THAT TIME FROM SWANA AND THE CITY OF LONG BEACH AND  
19 ANOTHER \$6,000 FROM THE BANK OF AMERICA.

20 THE BOARD HAS ALREADY CONTRIBUTED AN  
21 IN-KIND CONTRIBUTION OF ABOUT \$1381 FOR TWO  
22 MAILINGS TO RECYCLING COORDINATORS AND CURBSIDE  
23 COLLECTION COORDINATORS. AT THE COMMITTEE MEETING,

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24 BOARD MEMBER JONES ASKED THAT AMOUNT, AND I  
25 INDICATED IT WAS PROBABLY TWO OR \$300. I HAD

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1 FORGOTTEN THAT ONE OF THE THINGS WE SENT OUT WAS A  
2 RATHER LARGE HANDBOOK, AND, OF COURSE, THE MAILING  
3 COSTS WERE A LOT HIGHER FOR THAT.

4 THE ORGANIZERS HAVE INDICATED THAT  
5 EACH JURISDICTION IS RESPONSIBLE FOR DETERMINING  
6 WHETHER TO HOLD AN EVENT AND WHAT FORM IT SHOULD  
7 TAKE. THEY INDICATED IN MID-SEPTEMBER THAT MAJOR  
8 EVENTS WERE PLANNED FOR LOS ANGELES, SAN FRANCISCO,  
9 SAN DIEGO, SACRAMENTO AND LONG BEACH.

10 YESTERDAY I DID TRY TO REACH THE FIVE  
11 COMMUNITIES THEY MENTIONED. IN SAN FRANCISCO,  
12 THE -- DAVID OSSMAN (PHONETIC), WHO IS THE  
13 RECYCLING COORDINATOR, IS ON VACATION, AND HIS  
14 ASSISTANT SAID THE ONLY THING SHE COULD RECALL WAS  
15 THAT THEY WOULD BE DISTRIBUTING PLEDGE CARDS. AND  
16 I WAS UNABLE TO REACH ANYONE IN SAN DIEGO. NEITHER  
17 LOS ANGELES NOR SACRAMENTO COUNTY ARE PLANNING  
18 MAJOR EVENTS. SACRAMENTO PLANS TO FOCUS ON  
19 PUBLICIZING PLEDGE CARDS PERHAPS THROUGH NEWSPAPER  
20 ADS IN THE BEE AND THE NEWS IN REVIEW. AND LOS  
21 ANGELES PLANS TO INFORM CITY EMPLOYEES ABOUT THE  
22 EVENT OR ABOUT THE AMERICA RECYCLES DAY AND  
23 DISTRIBUTE PLEDGE CARDS TO THEM AND ALSO MAKE

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24        INFORMATION AVAILABLE AT A MAJOR RECYCLED ART  
25        EXHIBITION IN HOLLYWOOD.



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1                   ONE OF THE THINGS THEY'LL BE  
2     DISTRIBUTING THERE, BY THE WAY, IS THE "TEN EASY  
3     WAYS TO BUY RECYCLED" BOOKLET THAT THE BOARD  
4     PRODUCED IN CONJUNCTION WITH THE DEPARTMENT OF  
5     CONSERVATION.

6                   BOTH JURISDICTIONS MENTIONED THEY  
7     DIDN'T HAVE ENOUGH LEAD TIME THIS YEAR TO PLAN AN  
8     AMERICA RECYCLES DAY EVENT AND ALSO INDICATED THAT  
9     SINCE IT CAME ON THE HEELS OF SECOND CHANCE WEEK  
10    THIS MONTH AND POLLUTION PREVENTION WEEK LAST  
11    MONTH, THAT THEY JUST DIDN'T HAVE THE RESOURCES TO  
12    DO THREE MAJOR EVENTS IN THREE MONTHS. BOTH  
13    SACRAMENTO AND LOS ANGELES INDICATED THAT THEY  
14    WOULD PROBABLY FOCUS MORE ATTENTION ON AMERICA  
15    RECYCLES DAY NEXT YEAR IF THE EVENT IS HELD AGAIN.

16                  I DID ATTEMPT TO REACH JIM COOL AND  
17    SUSAN FOUNTAIN, WHO ARE SPEARHEADING THE EVENT WITH  
18    THE CITY OF LONG BEACH, THIS MORNING AND WAS ENABLE  
19    TO REACH THEM FOR AN UPDATE ON THE AMOUNT OF CASH  
20    AND IN-KIND CONTRIBUTIONS. I UNDERSTAND THAT THE  
21    BOARD MEMBERS IN SOME OF THE LETTERS OF SUPPORT  
22    PROBABLY HAVE SOME MORE INFORMATION ON THAT.

23                  EVEN THOUGH THE EVENT IS NOT GOING TO  
24    BE PROBABLY AS WELL ORGANIZED AND ENERGETIC AS WE  
25    HAD ORIGINALLY HOPED, STAFF STILL BELIEVES THAT

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1 THIS DOES FALL INTO THE STRATEGIC PLAN AND THE  
2 COMMUNICATIONS PLAN APPROACH OF WORKING IN  
3 PARTNERSHIP. THERE IS CLEARLY A NEED TO PROMOTE  
4 RECYCLING AND BUY RECYCLING. MEDIA ATTENTION AND  
5 PUBLIC AWARENESS OF THESE HAVE FALLEN OFF AS PEOPLE  
6 HAVE BECOME COMFORTABLE WITH THE IDEA OF RECYCLING  
7 AND, THEREFORE, IT'S NO LONGER NEWSWORTHY. AND ANY  
8 HELP THAT WE CAN GET IN CONJUNCTION WITH OTHER  
9 PARTNERS, WE THINK, WOULD BE BENEFICIAL TO  
10 PROMOTING OUR CAUSE.

1 INCIDENTALLY, IT DOES MENTION IN YOUR  
2 AGENDA ITEM THAT ONE OF THE BENEFITS OF SPONSORSHIP  
3 AT THE \$5,000 LEVEL WOULD BE TO HAVE THE BOARD'S  
4 LOGO PRINTED ON THE PLEDGE CARDS. THE FIRST BATCH  
5 OF THOSE HAVE ALREADY BEEN PRINTED WITHOUT IT  
6 NATURALLY; HOWEVER, ORGANIZERS TOLD ME THAT SHOULD  
7 THE BOARD APPROVE THIS FUNDING, THAT THE SUBSEQUENT  
8 HALF MILLION OR SO CARDS THAT THEY STILL HAVE TO  
9 PRODUCE WILL INDEED HAVE THE BOARD'S LOGO.

20 THAT DOES CONCLUDE OUR PRESENTATION,  
21 AND WE'D BE HAPPY TO ANSWER ANY QUESTIONS.

22 CHAIRMAN PENNINGTON: THANK YOU, MR.  
23 FRITH. MR. YODER WOULD LIKE TO ADDRESS US ON THIS  
24 ISSUE, MR. PAUL YODER FROM SWANA.

25 MR. YODER: GOOD MORNING, MR. CHAIR AND

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1       OTHER BOARD MEMBERS.   I AM PAUL YODER.   I REPRESENT  
2       THE THREE CALIFORNIA CHAPTERS OF SWANA.   I'M HERE  
3       TODAY NOT JUST ON BEHALF OF THOSE THREE CHAPTERS,  
4       BUT ON BEHALF OF SWANA INTERNATIONAL AND MOST  
5       SPECIFICALLY THE SOUTHERN CALIFORNIA FOUNDING  
6       CHAPTER OF SWANA.

7                       I AM HERE TO REQUEST THAT THE BOARD  
8       BECOME A COSPONSOR OF THIS IMPORTANT NATIONAL  
9       EVENT.   THIS IS GOING TO BE THE FIRST TIME THIS HAS  
10      BEEN HELD.   I THINK STAFF GAVE A VERY EXHAUSTIVE  
11      REPORT OF WHAT WILL HAPPEN AND WHAT WON'T HAPPEN.  
12      I THINK THE MOST IMPORTANT THING TO NOTE IS THAT  
13      THIS IS THE FIRST YEAR, AND THAT WE NEED TO GET THE  
14      MOMENTUM GOING IN ALL 41 STATES.   WE NEED TO NEXT  
15      YEAR WORK ON GETTING THE OTHER NINE STATES TO BUILD  
16      THIS EVENT AND TO MAKE IT ESSENTIALLY A BOOKEND  
17      PERHAPS TO EARTH DAY, WHICH IS HELD IN THE SPRING.

18                      I THINK IT'S GOOD TO HAVE TWO  
19      NATIONAL EVENTS THAT ARE SPACED APPROXIMATELY SIX  
20      MONTHS APART TO PROMOTE RECYCLING.   I THINK THIS  
21      PROPOSAL DOES FIT IN WITH THE BOARD'S POLICY ON  
22      EDUCATION, ON BUY RECYCLED, AND CERTAINLY ON THE  
23      BOARD'S -- WITH THE BOARD'S POLICY ON MARKET

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24 DEVELOPMENT. THIS DAY WILL ABSOLUTELY REINFORCE  
25 PUBLIC SUPPORT FOR RECYCLING, AND I'M JUST HERE TO

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1 URGE THE BOARD TO PARTNER WITH LOCAL GOVERNMENT, TO  
2 PARTNER WITH THE PRIVATE SECTOR.

3 STAFF LISTED SOME OF THE SPONSORS.  
4 THE LIST IS EXTRAORDINARILY IMPRESSIVE. I THINK  
5 THE BOARD'S NAME NEEDS TO BE THERE ON THE LIST, ON  
6 THE PLEDGE CARDS WITH THE OTHER SPONSORS.

7 I DON'T SEE HOW, FRANKLY, THE BOARD'S  
8 MONIKER COULDN'T BE ON THAT CARD WITH THAT LIST OF  
9 COSPONSORS. THE REQUEST IS FOR \$5,000. FRANKLY,  
10 10,000 IS A MORE HIGH PROFILE SPONSORSHIP.  
11 CERTAINLY URGE THAT, BUT WOULD BE HAPPY WITH A  
12 \$5,000 CONTRIBUTION. BE HAPPY TO ANSWER ANY  
13 QUESTIONS YOU MAY HAVE, AND I THANK YOU FOR YOUR  
14 TIME.

15 CHAIRMAN PENNINGTON: ANY QUESTIONS OF MR.  
16 YODER?

17 BOARD MEMBER RELIS: MR. CHAIR, I'D JUST  
18 LIKE TO ASK MR. YODER. WHAT SPECIFICALLY WILL  
19 SWANA -- WHAT DO YOU ENVISION SWANA'S ROLE IN THE  
20 DAY TO BE? WHAT ACTIVITIES ARE YOU PLANNING?

21 MR. YODER: SWANA'S ROLE IN THE DAY IS --  
22 I MEAN THE BULL HAS REALLY BEEN TAKEN BY THE HORNS  
23 BY JIM COOL, WHO'S THE PRESIDENT OF THE SOUTHERN

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24 CALIFORNIA CHAPTER. AND HE IS -- I WOULD SAY THAT

25 ASIDE FROM THE PARTICIPATION BY SWANA MEMBERS IN



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1 THE JURISDICTIONS LISTED BY STAFF, THAT THE MAJOR  
2 CONTRIBUTION THIS YEAR WILL BE BY MR. COOL AND THE  
3 FOLKS THAT HE'S ENLISTED DOWN IN SOUTHERN  
4 CALIFORNIA.

5 CHAIRMAN PENNINGTON: ANY OTHER QUESTIONS  
6 OF MR. YODER? I JUST HAVE ONE. WHAT OTHER STATE  
7 DEPARTMENTS ARE INVOLVED?

8 MR. YODER: I'M NOT AWARE OF ANY OTHER  
9 STATE DEPARTMENTS BEING INVOLVED.

10 CHAIRMAN PENNINGTON: SO WE'RE THE ONLY  
11 ONE.

12 MR. YODER: LIST OF SPONSORS RANGES FROM  
13 THE LARGE MULTINATIONAL HAULERS TO THE ENVIRON-  
14 MENTAL DEFENSE FUND AND SO ON.

15 MR. FRITH: IT'S OUR UNDERSTANDING THAT  
16 THE DEPARTMENT OF CONSERVATION DID DECLINE TO  
17 CONTRIBUTE TO THIS YEARS'S EVENT.

18 MR. YODER: YET ANOTHER OPPORTUNITY TO  
19 DISTINGUISH YOURSELVES FROM THAT OTHER STATE  
20 DEPARTMENT.

21 BOARD MEMBER CHESBRO: IT WAS MY  
22 UNDERSTANDING, HOWEVER, IN SO DOING THAT FOR THE  
23 FIRST TIME SINCE THIS BOARD HAS BEEN IN EXISTENCE  
24 THAT I KNOW OF THEY SAID, "OH, THOSE PEOPLE ARE  
25 RESPONSIBLE FOR THE GENERAL WASTESTREAM. WE'RE

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1       ONLY RESPONSIBLE FOR BEVERAGE CONTAINERS. SO SINCE  
2       IT'S NOT SPECIFIC TO BEVERAGE CONTAINERS, WE'LL LET  
3       THEM HANDLE IT THIS YEAR," WHICH WAS A BIT OF A  
4       SWITCH CERTAINLY IN TERMS OF THE EARTH FAIR, FOR  
5       EXAMPLE, DOWN AT THE CAPITOL.

6                   MR. CHAIRMAN, I WAS ABLE, THROUGH MY  
7       LEVEL OF ACTIVITY I'VE EXERTED ON THIS, TO GET THE  
8       BOARD'S NAME AT LEAST ON THE EXECUTIVE COMMITTEE,  
9       SO OUR NAME HAS APPEARED AT NO COST TO DATE. I  
10      WOULD SAY THAT \$5,000 IS A RELATIVELY SMALL  
11      CONTRIBUTION TO A MUCH LARGER PRIMARILY PRIVATE  
12      SECTOR FUNDED ACTIVITY WHICH I THINK WE SHOULD BE  
13      PARTNERING ON, SHOWING STATE SUPPORT FOR, AGAIN AT  
14      A SMALL LEVEL, BUT ONE THAT WILL SHOW THAT WE  
15      ENCOURAGE THE PRIVATE SECTOR TO STEP FORWARD AS  
16      THEY ARE IN DEVELOPING THIS.

17                   AND IT ALSO -- WE CONTINUALLY HEAR  
18      FROM -- AT THE LOCAL LEVEL WHAT IS THE BOARD DOING  
19      IN TERMS OF THIS OVERALL STATE AND NATIONAL EFFORT  
20      TO DRIVE THE MARKETS? AND I THINK DEVELOPING A  
21      NATIONAL BUY RECYCLED THEME IS A MAJOR CONTRIBUTION  
22      TO ANSWERING THE QUESTION BY CITIES AND COUNTIES  
23      ABOUT WHAT THE BOARD IS DOING.

24                   AND SO I WOULD MOVE THAT WE AUTHORIZE  
25      THE \$5,000 EXPENDITURE FOR AMERICA RECYCLES DAY.

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1                   BOARD MEMBER GOTCH: I'LL SECOND. I HAVE  
2           A COUPLE OF COMMENTS TO MAKE IF I MAY ALSO.

3                   CHAIRMAN PENNINGTON: CERTAINLY, MRS.  
4           GOTCH.

5                   BOARD MEMBER GOTCH: AS A MEMBER OF THE  
6           ADMIN COMMITTEE, I UNDERSTAND OUR NEED FOR FISCAL  
7           PRUDENCE; HOWEVER, IN THIS CASE THE NEED TO GET THE  
8           MESSAGE OUT, PARTICULARLY IN THIS NATIONWIDE  
9           EFFORT, OUTWEIGHS THE \$5,000 PRICE TAG. THIS IS A  
10          GREAT OPPORTUNITY FOR BOARD PROMOTION AND TO EXPAND  
11          OUR PARTNERSHIP INFRASTRUCTURE. WHAT KIND OF  
12          MESSAGE ARE WE SHOWING BY NOT PARTICIPATING?

13                   SECONDLY, MOST OF THE LOCAL EVENTS  
14          FEATURING THE KEEP RECYCLING WORKING, BUY RECYCLED  
15          MESSAGE WILL TARGET THE USE OF REREFINED MOTOR OIL  
16          AS A KEY ACTIVITY. AND THIS IS PER THE LETTER SENT  
17          BY THE AMERICAN OCEANS CAMPAIGN, WHICH WE ALL  
18          RECEIVED COPIES OF. GIVEN THIS USE OF FUNDING,  
19          SHOULDN'T WE BE THINKING OF EITHER SPLITTING OR  
20          SOLELY FUNDING THIS ITEM FROM USED OIL DOLLARS AS  
21          OPPOSED TO SIMPLY USING THE IWMA DOLLARS?

22                   AND AS I STATED IN COMMITTEE AND AS  
23          ALSO STATED QUITE WELL IN THE BOARD AGENDA PIECE, I

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24       SEE THIS AS A VERY LOW COST WAY TO HELP EDUCATE  
25       CALIFORNIANS ABOUT THE IMPORTANCE OF RECYCLING AND

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1 BUYING RECYCLED.

2 CHAIRMAN PENNINGTON: OKAY.

3 BOARD MEMBER RELIS: MR. CHAIR, I'M GOING  
4 TO SUPPORT THE ALLOCATION. I DO HAVE A FEW  
5 THOUGHTS.

6 FIRST, I AM IMPRESSED BY THE DEGREE  
7 OF SPONSORSHIP, AND I'M HAPPY TO SEE SWANA VERY  
8 ACTIVE IN THIS. I'M ASSUMING, JOHN, THAT THE  
9 NUMBERS HERE, THAT THESE ARE COMMITMENTS, THAT THIS  
10 ISN'T JUST A PLEDGE OR SOME CONCEPTUAL --

11 MR. FRITH: NO, THE NUMBERS THAT WE READ  
12 OFF ARE REAL NUMBERS, AT LEAST ACCORDING TO MR.  
13 COOL, THAT HAD ACTUALLY BEEN CONTRIBUTED.

14 BOARD MEMBER RELIS: BUT I DO THINK, IN  
15 SPITE OF MY DESIRE TO SUPPORT THIS, THE PROCESS  
16 HERE HAS BEEN LESS THAN ADEQUATE. AND I WOULD HOPE  
17 THAT WE WOULD DEFINE FROM THIS A FORMAL PROCESS FOR  
18 ENDORSEMENTS BECAUSE, WHILE MR. CHESBRO HAS RAISED  
19 THE POINT THAT THERE'S ENDORSEMENT -- WE GOT A FREE  
20 ENDORSEMENT -- THE BOARD DID NOT ACT ON THAT.

21 AND I THINK IF WE'RE GOING TO BE  
22 ENDORSING SOMETHING, WE SHOULD FORMALLY GO THROUGH  
23 A PROCESS OF PLEDGES OR COMMITMENTS OF 5,000. IT'S  
24 A SMALL AMOUNT OF MONEY, BUT STILL WE NEED TO BRING  
25 THESE ISSUES INTO A PROCESS FRAMEWORK. AND

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1       DEPENDING ON THE VOTE, I'D LIKE TO SEE THAT WE HAVE  
2       AN ITEM AGENDIZED AT THE ADMIN COMMITTEE TO DEAL  
3       SPECIFICALLY WITH ENDORSEMENTS OF THIS TYPE SO THAT  
4       WE CAN FORMALLY PROCESS THESE AND NOT DO IT IN AN  
5       AD HOC FASHION.

6                       I ONLY RECEIVED UPDATED INFORMATION  
7       IN THE LAST DAY OR TWO. I WAS NOT APPROACHED  
8       DIRECTLY OTHER THAN THROUGH A LETTER BY MR. COOL ON  
9       THIS. AND GIVEN THE BROAD RANGE OF SPONSORSHIP AND  
10      ENTHUSIASM BEHIND IT, I EXPECTED TO GET MORE DIRECT  
11      CONTACT. SO THOSE ARE MY THOUGHTS ON IT.

12                   BOARD MEMBER JONES: MR. CHAIRMAN.

13                   CHAIRMAN PENNINGTON: YES, SIR, MR. JONES.

14                   BOARD MEMBER JONES: YOU KNOW, I HAVE -- I  
15      WEAR TWO HATS, I THINK, WHEN I LOOK AT AN ITEM LIKE  
16      THIS. I SIT ON THE ADMIN COMMITTEE. I THINK I  
17      BRING SOME FISCAL RESPONSIBILITY TO DECISION-  
18      MAKING. I ALSO COME FROM AN INDUSTRY THAT RELIES  
19      ON ITEMS GOING FULL CIRCLE AND BEING A BUY  
20      RECYCLING CAMPAIGN.

21                   BUT MY QUESTIONS DURING THE COMMITTEE  
22      MEETING DEALT WITH -- THEY HAD \$134,000 BUDGET.  
23      NOW THEY'RE AT SOMEWHERE AROUND \$25,000. IN

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24 HEARING THE ITEM, CITY OF SAN FRANCISCO RECYCLING  
25 COORDINATORS THOUGHT THEY HAD HEARD SOMETHING ABOUT  
58

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1       IT.   CITY OF L.A. IS GOING TO GIVE IT TO THEIR  
2       EMPLOYEES, I MEAN PLEDGE CARDS.

3                   I WOULD -- I WANT TO SEE THAT WE --  
4       THAT WE SPEND OUR MONEY WISELY.   AND I HAVE A  
5       PROBLEM -- I DON'T HAVE A PROBLEM WITH ENDORSING  
6       BUY RECYCLE.   IT WOULD BE SACRILEGIOUS IF I DIDN'T  
7       ENDORSE BUY RECYCLED, BUT I ALSO HAVE A PROBLEM  
8       WITH JUST SPENDING \$5,000 TO SPEND \$5,000.   I JUST  
9       DON'T UNDERSTAND IF -- WHY WE DON'T HAVE -- WE  
10      DON'T HAVE A CONTRACT CONCEPT ON DOLLARS.

11                   I KNOW IN THE SHORT TIME I'VE BEEN  
12      HERE CRRA CAME IN FOR MONEY.   FIVE OR SIX REQUESTS  
13      THAT I'VE HEARD OF SO FAR HAVE COME IN FOR MONEY,  
14      AND WE DON'T GIVE MONEY, BUT TODAY WE'RE GOING  
15      TO -- YOU KNOW, THERE'S A MOTION ON THE FLOOR TO  
16      GIVE MONEY.

17                   I WOULD LIKE TWO THINGS TO HAPPEN.   I  
18      WOULD LIKE A POLICY ITEM COMING TO ADMIN TO  
19      DETERMINE HOW WE'RE GOING TO LOOK AT THESE TYPES OF  
20      REQUESTS.   AND I WOULD LIKE -- I DON'T KNOW IF  
21      THERE'S ENOUGH TIME.   WE'RE NOT GOING TO HEAR  
22      CONTRACT CONCEPTS FOR A COUPLE OF WEEKS.   IF THERE  
23      IS A WAY THAT WE CAN AT LEAST PUT A MARKER IN THE  
24      BOOK ON THESE TYPES OF ITEMS.   WE DON'T HAVE  
25      ANYTHING.

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1                   SO MY QUESTION IS IF WE SPEND \$5,000  
2       ON THIS, WHICH IS PRETTY INSIGNIFICANT WHEN YOU  
3       LOOK AT THE NATIONAL DOLLARS, WHERE WE GOING TO GET  
4       IT FROM? YOU KNOW, SOMETHING ELSE IS GOING TO HAVE  
5       TO BE ELIMINATED.

6                   I DON'T THINK THAT'S THE WAY THAT YOU  
7       DO BUSINESS. I THINK THE WAY YOU DO BUSINESS IS  
8       YOU HAVE A MARKER AND YOU HOLD IT AND YOU SAY WE'LL  
9       ALLOCATE THROUGH THAT. AND IT'S HARD GETTING  
10      SOMETHING OFF THE GROUND THE FIRST TIME. WE SPENT  
11      \$1381 IN IN-KIND SERVICES. I THINK IF WE NEED TO  
12      SPEND SOME MORE MONEY IN IN-KIND SERVICES, WE  
13      SHOULD DO THAT, BUT I CAN'T ENDORSE SPENDING \$5,000  
14      ON THIS THING.

15                  WITH THE CONDITION THAT THESE TWO  
16      ITEMS ARE THERE -- YOU KNOW, I MEAN I WANT TO MAKE  
17      SURE THAT WE HAVE A CONTRACT CONCEPT AND THAT WE  
18      HAVE A POLICY SO THAT WHEN THIS COMES BACK NEXT  
19      YEAR FOR THE SECOND AMERICA RECYCLES DAY, THERE IS  
20      A BUDGET ITEM THAT WE CAN DRAW THOSE DOLLARS FROM.  
21      AND THAT IS GOING TO MAKE MY LIFE A LOT EASIER  
22      BECAUSE I DON'T LIKE TELLING MY INDUSTRY THAT  
23      BECAUSE WE DON'T HAVE A PROCESS, I CAN'T ENDORSE

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24 IT, BUT THAT'S WHERE I'M COMING FROM.

25 CHAIRMAN PENNINGTON: LET ME JUST MAKE A  
60

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1       COUPLE OF COMMENTS TOO.  AND I CERTAINLY AGREE WITH  
2       BOTH MR. RELIS AND MR. JONES, THAT A POLICY ITEM ON  
3       ENDORSEMENT SHOULD BE TAKEN FORWARD.  AND I THINK  
4       THAT THIS IS AN ITEM THAT WE WILL CERTAINLY BRING  
5       TO THE ADMIN COMMITTEE, WHICH YOU SERVE ON TOO.

6                   AND I THINK IT IS TRUE THAT WE DO  
7       NEED TO KNOW WHERE WE'RE GOING TO SPEND OUR MONEY  
8       ON THESE KINDS OF THINGS.  THE SECOND POINT, I  
9       THINK, AND I AGREE WITH MR. JONES, THAT WE DO NEED  
10      AN ITEM, A BUDGET ITEM, EVERY YEAR SET ASIDE SOME  
11      MONEY TO MAKE THESE KINDS OF CONTRIBUTIONS TO  
12      WORTHY THINGS.  I THINK THAT BUYING RECYCLED IS  
13      CERTAINLY AT THE HEART OF WHAT WE DO HERE AND WHAT  
14      WE'RE ASKING THE PUBLIC AND INDUSTRY AND THE  
15      PRIVATE -- I MEAN THE PUBLIC SECTOR TO DO, AND I  
16      THINK WE CERTAINLY SHOULD PROMOTE THAT.

17                   BUT WE CANNOT OPERATE ON, GEE, WE'VE  
18      GOT \$5 IN OUR POCKET SO LET'S SPEND IT.  WE NEED TO  
19      OPERATE WITHIN THE BUDGET, AND WE NEED TO OPERATE  
20      KNOWING THAT WE'VE GOT SO MUCH MONEY THAT WE'RE  
21      GOING TO HAND OUT IF WE'RE GOING TO HAND OUT.

22                   I FEEL THAT WHILE IT'S VERY LAUDABLE,  
23      I THINK THAT WE NEED TO PUT THOSE TWO THINGS IN  
24      PLACE.  AND WE HAVE SPENT IN-KIND SERVICES, AND I  
25      WOULD BE PREPARED FOR US TO SPEND SOME MORE IN

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1       IN-KIND SERVICES.   SO I'M GOING TO HAVE TO OPPOSE  
2       THE MOTION.

3               BOARD MEMBER GOTCH:   MR. CHAIR, I HAVE  
4       ANOTHER COUPLE OF COMMENTS.   I'M GLAD TO HEAR  
5       COUPLE OF YOU BRING UP WHAT I HAD BROUGHT UP IN  
6       COMMITTEE WHEN WE FIRST DISCUSSED THIS, AND THAT  
7       WAS TO HAVE A LINE ITEM IN THE BUDGET FOR FUTURE  
8       ISSUES SUCH AS THIS.

9               ALSO, I'D LIKE TO REMIND YOU THE  
10      COMMENT THAT I JUST MADE, WHICH WAS THE TARGETING  
11      REREFINED MOTOR OIL AS A KEY ACTIVITY, AND I'D LIKE  
12      TO ASK MR. CHANDLER, GIVEN THIS, IF THERE'S THE  
13      POSSIBILITY OF SPLITTING THE FUNDING AND USING SOME  
14      USED OIL MONEY IN THIS.

15              MR. CHANDLER:   SURE, IT COULD BE FUNDED BY  
16      IWMA; IT COULD BE FUNDED BY USED OIL.   IF THERE'S  
17      USED OIL ACTIVITIES, I DON'T SEE ANY PROBLEM IN A  
18      SPLIT FUNDING APPROACH.

19              BOARD MEMBER GOTCH:   PERHAPS THIS WOULD  
20      MAKE MY FELLOW BOARD MEMBERS A LITTLE BIT MORE  
21      COMFORTABLE AS FAR AS THE FUNDING GOES.

22              CHAIRMAN PENNINGTON:   I THINK IT COMES  
23      BACK TO THIS, "GEE, WE'VE GOT IT IN THIS POCKET, SO  
24      LET'S JUST TAKE IT OUT OF THERE."   WE HAVEN'T  
25      PLANNED FOR THAT.   JUST LIKE WE DO WITH OUR OWN

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1       PERSONAL FUNDING, JUST BECAUSE YOU HAVE A FEW BUCKS  
2       IN YOUR POCKET DOESN'T MEAN YOU NEED TO SPEND IT.

3               BOARD MEMBER GOTCH:   I AGREE WITH YOU.

4               CHAIRMAN PENNINGTON:   WE HAVE NOT PLANNED  
5       ON THIS.   IN OUR 1997-98 BUDGET, WE SHOULD PUT A  
6       LINE ITEM IN IT NEXT YEAR.   AND MAYBE IF WE WANT,  
7       THEN WE CAN GIVE THEM \$10,000 NEXT YEAR, BUT WE'VE  
8       PLANNED ON IT.   WE HAVE MADE THIS DECISION, AND WE  
9       HAVE A POLICY SO THAT THE NEXT GUY THAT COMES UP TO  
10      THE WINDOW AND SAYS, "GEE, I NEED 5,000," WE CAN  
11      SAY, "HERE'S THE POLICY.   HERE'S WHAT YOU HAVE TO  
12      DO TO GET YOUR MONEY."

13              BOARD MEMBER GOTCH:   AND I AGREE WITH YOU  
14      ON THAT.

15              BOARD MEMBER CHESBRO:   MR. CHAIRMAN, ONE  
16      OF THE ADVANTAGES, I GUESS, OR DISADVANTAGES OF  
17      BEING ON THE BOARD LONGEST IS YOU START LISTENING  
18      TO THINGS THAT ARE SORT OF BROKEN RECORDS, YOU  
19      KNOW.   WE'VE BEEN THROUGH THIS PROCESS SO MANY  
20      TIMES -- NOT RECENTLY.   IT'S BEEN MAYBE A COUPLE  
21      YEARS BECAUSE THE BOARD AT SOME POINT DECIDED NOT  
22      TO DO SPONSORSHIPS.   WE DID DELEGATE AT ONE POINT  
23      TO THE EXECUTIVE DIRECTOR THE ABILITY FOR SMALL

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24       AMOUNTS IF THERE WAS A CONSENSUS TO MOVE FORWARD.

25                               AND FRANKLY, ONE OF THE REASONS -- I

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1        THINK WE ALL RECEIVED LETTERS, I ASSUME WE DID,  
2        FROM AMERICA RECYCLES. I HAPPENED TO STEP UP AND  
3        CALL THEM UP AND SAY WHAT CAN I DO FOR YOU? I  
4        LOOKED AT THE LIST OF SPONSORS AND SAID, "GEE, BANK  
5        OF AMERICA, BFI, SWANA, NATIONAL SWANA, THE STEEL  
6        RECYCLING INSTITUTE," AND SAID "\$5,000 IN THE TOTAL  
7        SCHEME OF THINGS IS A PITTANCE," AND SO I HANDED IT  
8        OFF TO MR. CHANDLER AND SAID, "CHECK WITH THE OTHER  
9        BOARD MEMBERS AND SEE WHAT'S POSSIBLE."

10                    I JUST THINK WE'RE BEING PENNY WISE  
11        AND POUND FOOLISH. WE'RE MISSING IN ACTION AT THE  
12        NATIONAL LEVEL. WE HAVE LANGUAGE IN OUR STRATEGIC  
13        PLAN WHICH SAYS WE'RE GOING TO BE A NATIONAL/  
14        INTERNATIONAL LEADER, AND YET YOU GO TO THE  
15        NATIONAL RECYCLING CONGRESS, ATTENDED BY THREE,  
16        4,000 DELEGATES FROM AROUND THE COUNTRY, STATES  
17        ONE-TENTH OUR SIZE HAVE 50, 60 PEOPLE THERE

BECAUSE

18        THEY REALIZE THAT THAT'S THE PLACE THAT THEY BOTH  
19        HIGHLIGHT THEIR OWN PROGRAMS AND GAIN ALL KINDS  
20        OF  
21        INFORMATION BACK. WE HAVE AN AGENCY THAT  
22        AUTHORIZES TWO PEOPLE TO GO EVEN WHEN THE  
CONGRESS,

22        LIKE TWO YEARS AGO WAS IN PORTLAND, AND WE SHOULD

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23        HAVE HAD, YOU KNOW, 50 PEOPLE THERE.

24                                I'M SURE WE WOULD HAVE HAD THAT  
MANY

25        STAFF PEOPLE WHO WOULD HAVE RIDDEN IN VANS AND

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1       SHARED MOTEL ROOMS IN ORDER TO GO TO A NATIONAL  
2       CONFERENCE, BUT WE CONTINUE TO PINCH PENNIES AND  
3       PUT THE LIE TO OUR ACTUAL COMMITMENT TO BEING A  
4       NATIONAL AND INTERNATIONAL LEADER AND BEING  
5       PRESENT. WE'RE MISSING IN ACTION BASICALLY AT THE  
6       NATIONAL LEVEL. WE'RE SO FOCUSED ON ALL OF OUR  
7       INTERNAL REGULATORY AFFAIRS AND OUR NEED TO DO THIS  
8       SPECIFIC MANDATE OR THAT SPECIFIC MANDATE, AND THEN  
9       WE SPEND, YOU KNOW, HALF AN HOUR DEBATING \$5,000,  
10      FOR GOD SAKE, AT THE MONTHLY MEETING OF THE WASTE  
11      BOARD. AND IT JUST SEEMS TO ME THAT WE'RE  
12      COMPLETELY MISSING THE BOAT.

13                   AND, YOU KNOW, I DON'T WANT TO DO  
14      ANYTHING THAT THE MAJORITY OF THE BOARD DOESN'T  
15      SUPPORT; AND IF THE BOARD DOESN'T SUPPORT IT, THEN  
16      WE WON'T DO IT. BUT I NEVER IMAGINED WHEN I HANDED  
17      IT OFF TO MR. CHANDLER THAT THERE WOULD BE ANY  
18      CONTROVERSY AROUND \$5,000 FOR COSPONSORSHIP WITH  
19      THE NATIONAL BUSINESS LEADERS IN THE SOLID WASTE  
20      INDUSTRY, NATIONAL LEADERS LIKE BANK OF AMERICA,  
21      WHO HAD LED THE CHARGE FOR BUY RECYCLED, THAT  
22      THERE  
22      WOULD BE ANY QUESTION.

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23                               SO I'M SORRY IF I DIDN'T ANTICIPATE.  
24       MAYBE I SHOULD LEARN FROM PAST DISCUSSIONS, THESE  
25       CYCLICAL DISCUSSIONS, THAT WE MANAGE TO -- I'M



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1 MIXING MY METAPHORS HERE -- BUT MAKE A  
2 MOUNTAIN OUT OF A MOLEHILL, OR WE JUST MANAGE TO  
3 TURN VERY MINOR REQUESTS INTO CONTROVERSIES THAT  
4 ARE UNBELIEVABLE TO ME.

5 CHAIRMAN PENNINGTON: I THINK THAT'S WHY  
6 WE SAY WE NEED A POLICY HOW TO DO THIS AND HOW TO  
7 DO IT IN A FAIR MANNER. YOU ARE RIGHT. IT'S ONLY  
8 \$5,000, BUT 5,000 HERE AND 10,000 THERE AND FIVE  
9 OVER HERE, IT BEGINS TO GET TO BE REAL MONEY. IF  
10 WE DON'T HAVE A WAY IN WHICH WE DO IT PROPERLY,  
11 THAT'S EXACTLY WHAT HAPPENS.

12 BOARD MEMBER CHESBRO: FOR THE RECORD, I'M  
13 IN FAVOR OF US COSPONSORING THE CRRRA CONFERENCE,  
14 THE MAJOR STATEWIDE CONFERENCE OF PEOPLE WHO ARE  
15 OUT THERE ACHIEVING WHAT WE'RE SUPPOSED TO BE  
16 SUPPORTING. I SUPPORT ACTIVE ATTENDANCE AND  
17 PARTICIPATION BY OUR STAFF AT THE NATIONAL  
18 RECYCLING CONGRESS, AND I THINK IT'S REALLY TRAGIC  
19 THAT WE -- YOU KNOW, WE DON'T HAVE A POLICY. THE  
20 BOARD HAS SAID, WHEN WE'VE HAD PROPOSALS BEFORE,  
21 LET'S HAVE A POLICY NEXT YEAR. WE NEVER HAVE A  
22 POLICY. WE NEVER WIND UP CONTRIBUTING AND WIND UP  
23 BEING MISSING IN ACTION WHEN WE, IN FACT, HAVE AS

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24       OUR MISSION BEING A NATIONAL, INTERNATIONAL LEADER

25       IN THE DIVERSION OF WASTE, AND IT'S A BIG

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1 DISAPPOINTMENT TO ME AS ONE BOARD MEMBER.

2 CHAIRMAN PENNINGTON: IT IS TO ME TOO, BUT  
3 SO IS THE \$4 MILLION DEFICIT WE'RE FACED WITH.

4 BOARD MEMBER CHESBRO: IT WON'T BE SOLVED  
5 \$5,000 AT A TIME, I CAN TELL YOU THAT.

6 CHAIRMAN PENNINGTON: NO, IT WON'T, BUT IT  
7 WON'T GO AWAY IF WE GIVE AWAY \$5,000 AT A TIME TOO.  
8 IT'S A REALITY.

9 ANY OTHER DISCUSSION? IF NOT, WILL  
10 THE SECRETARY CALL THE ROLL.

11 THE SECRETARY: BOARD MEMBER CHESBRO.

12 BOARD MEMBER CHESBRO: AYE.

13 THE SECRETARY: GOTCH.

14 BOARD MEMBER GOTCH: AYE.

15 THE SECRETARY: JONES.

16 BOARD MEMBER JONES: NO.

17 THE SECRETARY: RELIS.

18 BOARD MEMBER RELIS: AYE.

19 THE SECRETARY: CHAIRMAN PENNINGTON.

20 CHAIRMAN PENNINGTON: NO. MOTION FAILS.

21 BOARD MEMBER JONES: MR. CHAIRMAN, BEING A  
22 NEW BOARD MEMBER AND NOT BEING AROUND WHEN ALL  
23 THESE OTHER DISCUSSIONS, I DON'T KNOW WHO I TELL,  
24 BUT I WANT THE TWO ITEMS AT WHATEVER THE  
25 APPROPRIATE COMMITTEES ARE AS QUICKLY AS POSSIBLE.

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1                   CHAIRMAN PENNINGTON: WE WILL SCHEDULE IT  
2                   FOR THE ADMIN COMMITTEE.

3                   BOARD MEMBER JONES: BECAUSE I WASN'T  
4                   AROUND FOR ALL THOSE OTHER DISCUSSIONS THAT  
5                   HAPPENED, AND I DON'T HAVE A PROBLEM WITH SOLVING  
6                   THIS THING, BUT I THINK WE HAVE TO HAVE A POLICY.

7                   CHAIRMAN PENNINGTON: I TOTALLY AGREE WITH  
8                   YOU, AND WE WILL SCHEDULE IT FOR ACTION ON THE  
9                   ADMIN COMMITTEE.

10                   ITEM 31, CONSIDERATION OF ADOPTION OF  
11                   MITIGATED NEGATIVE DECLARATION FOR THE CITY OF EL  
12                   PASO DE ROBLES LANDFILL IN SAN LUIS OBISPO COUNTY.  
13                   DOROTHY RICE.

14                   MS. RICE: THANK YOU, MR. CHAIRMAN AND  
15                   MEMBERS. BOB HOLMES WILL MAKE THE PRESENTATION FOR  
16                   STAFF.

17                   MR. HOLMES: GOOD MORNING, MR. CHAIRMAN  
18                   AND MEMBERS OF THE BOARD. THE BOARD BECAME THE  
19                   ENFORCEMENT AGENCY FOR THE CITY OF EL PASO DE  
20                   ROBLES IN OCTOBER 1995. IN JANUARY OF 1996, THE  
21                   BOARD CONSIDERED A REVISED SOLID WASTE FACILITIES  
22                   PERMIT FOR THE PASO ROBLES LANDFILL. THE BOARD  
23                   DECIDED NOT TO RELY ON A CEQA DOCUMENT PREPARED IN

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24 SUPPORT OF THE SOLID WASTE FACILITIES PERMIT AND

25 ASSUMED THE ROLE OF LEAD AGENCY UNDER CEQA AND

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1 DIRECTED STAFF TO PREPARE AN INITIAL STUDY.

2 THE BOARD'S CONTRACT CONSULTANT,  
3 JONES & STOKES ASSOCIATES, COMPLETED THE INITIAL  
4 STUDY IN MARCH 1997. THE INITIAL STUDY IDENTIFIED  
5 ONE POTENTIAL SIGNIFICANT ENVIRONMENTAL EFFECT TO  
6 AIR QUALITY. THE CITY WILL MITIGATE BY INSTALLING  
7 BEST AVAILABLE CONTROL TECHNOLOGY ON ON-SITE  
8 LANDFILL EQUIPMENT.

9 THE INITIAL STUDY ALSO IDENTIFIED A  
10 POTENTIAL, BUT LESS THAN SIGNIFICANT IMPACT TO  
11 TRAFFIC SAFETY DUE TO SLOW MOVING VEHICLES LEAVING  
12 THE LANDFILL.

13 BOARD STAFF RECEIVED TWO SETS OF  
14 COMMENTS ON THE INITIAL STUDY, ONE FROM THE SAN  
15 LUIS OBISPO AIR POLLUTION CONTROL DISTRICT  
16 REGARDING THE AIR QUALITY ANALYSIS. THE APCD IS  
17 PLEASED WITH THE ANALYSIS.

18 THE PERMITTING AND ENFORCEMENT  
19 COMMITTEE HEARD THIS ITEM IN JULY 1997 BEFORE  
20 RECEIPT OF COMMENTS FROM CALTRANS. CALTRANS  
21 COMMENTS EXPRESSED CONCERNS WITH THE TRAFFIC  
22 ANALYSIS. ONE CONCERN STEMMED FROM THE METHODOLOGY  
23 USED TO ANALYZE ONE OF THE INTERSECTIONS. THE  
24 BOARD'S CONSULTANT REANALYZED THE INTERSECTION  
25 USING THE APPROPRIATE METHODOLOGY.

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1                   THE ORIGINAL FINDING THAT TRAFFIC AT  
2           THE INTERSECTION WOULD POSE A LESS THAN SIGNIFICANT  
3           IMPACT WAS NOT CHANGED BY THE REANALYSIS.

4                   CALTRANS OTHER CONCERN WAS WITH THE  
5           SLOW MOVING VEHICLES EXITING THE LANDFILL.  
6           ALTHOUGH NOT REQUIRED AS A MITIGATION MEASURE UNDER  
7           CEQA, THE CITY HAS AGREED TO COORDINATE WITH  
8           CALTRANS ON THE INSTALLATION OF A WESTBOUND MERGE  
9           LANE AT SUCH FUTURE TIME IF AND WHEN A DAILY  
10          AVERAGE OF FIVE OR MORE LONG-HAUL TRANSFER TRUCKS  
11          ARE USING THE LANDFILL.

12                   CALTRANS WAS PROVIDED THE STAFF  
13          REPORT; AND AS OF THIS MORNING, WE HAVE RECEIVED NO  
14          FEEDBACK OR COMMENTS FROM THEM.

15                   IN CONCLUSION, STAFF RECOMMENDS THE  
16          BOARD ADOPT THE MITIGATED NEGATIVE DECLARATION BY  
17          RESOLUTION 97-246. IRIS YANG AND JOHN MCCARTHY  
18          FROM THE CITY ARE IN THE AUDIENCE IF YOU HAVE  
19          QUESTIONS. THAT CONCLUDES MY REPORT.

20                   CHAIRMAN PENNINGTON: QUESTIONS OF STAFF?  
21          DO YOU WANT TO HEAR FROM MR. YANG. I'M SORRY.

22                   MS. YANG: JUST HERE IF YOU HAVE ANY  
23          QUESTIONS.

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24                   BOARD MEMBER JONES:   MR. CHAIRMAN, MAKE A  
25       MOTION THAT WE ACCEPT RESOLUTION NO. 97-246.

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1 BOARD MEMBER GOTCH: I'LL SECOND.

2 CHAIRMAN PENNINGTON: OKAY. IF THERE'S --  
3 ANY FURTHER DISCUSSION? IF THERE'S NO FURTHER  
4 DISCUSSION, WILL THE SECRETARY CALL THE ROLL.

5 THE SECRETARY: BOARD MEMBER CHESBRO.

6 BOARD MEMBER CHESBRO: AYE.

7 THE SECRETARY: GOTCH.

8 BOARD MEMBER GOTCH: AYE.

9 THE SECRETARY: JONES.

10 BOARD MEMBER JONES: AYE.

11 THE SECRETARY: RELIS.

12 BOARD MEMBER RELIS: AYE.

13 THE SECRETARY: CHAIRMAN PENNINGTON.

14 CHAIRMAN PENNINGTON: AYE. MOTION  
15 CARRIES.

16 MOVE TO ITEM 32, WHICH IS CONSIDERA-  
17 TION OF CONCURRENCE IN THE ISSUANCE OF A REVISED  
18 SOLID WASTE FACILITY PERMIT FOR THE CITY OF EL PASO  
19 DE ROBLES LANDFILL IN SAN LUIS OBISPO COUNTY.

20 MS. RICE: BOB HOLMES AGAIN WILL MAKE THE  
21 PRESENTATION. THANK YOU.

22 MR. HOLMES: IF IT PLEASES THE BOARD, THE  
23 CEQA DOCUMENT WAS THE LAST REMAINING ITEM FOR THAT,  
24 SO I'LL JUST QUICKLY GO OVER THE CHANGE THE PERMIT  
25 WILL MAKE. THE CHANGE IN TONNAGE WILL BE FROM A

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1       70-TON-PER-DAY AVERAGE FROM A 1986 PERMIT.  THERE'S  
2       A NOTICE AND ORDER IN PLACE THAT ALLOWS A STATUS  
3       QUO OF 90 TONS PER DAY WITH A PEAK OF 250 TONS.  
4       THE PERMIT WILL CHANGE THE PERMITTED TONNAGE TO  
5       69,000 TONS ANNUALLY, WHICH IS APPROXIMATELY A  
6       190-TON-PER-DAY AVERAGE AND WITH THE SAME 250-TON-  
7       PER-DAY PEAK.

8                       THE ELEVATION WILL INCREASE SLIGHTLY  
9       FROM 1140 FEET MEAN SEE LEVEL TO 1226 MEAN SEA  
10      LEVEL, AND A CHANGE IN OPERATION FROM A TRENCH AND  
11      FILL TO A MASS FILL TO ALLOW FOR INSTALLATION OF  
12      LINER AND LEACHATE COLLECTION.

13                     IN CONCLUSION, STAFF FIND THE  
14      PROPOSED SOLID WASTE FACILITY PERMIT AND SUPPORTING  
15      DOCUMENTATION ARE ACCEPTABLE FOR THE BOARD'S  
16      CONSIDERATION OF CONCURRENCE.  STAFF RECOMMENDS THE  
17      BOARD ADOPT PERMIT DECISION 97-414, CONCURRING IN  
18      THE ISSUANCE OF SOLID WASTE FACILITY PERMIT NO.  
19      40-AA-0001.  THAT CONCLUDES MY PRESENTATION.

20                     CHAIRMAN PENNINGTON:  ANY QUESTIONS OF  
21      STAFF OR MS. YANG?

22                     BOARD MEMBER RELIS:  MR. CHAIR, I'LL  
MOVE

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23 CONCURRENCE, PERMIT DECISION 97-414.

24 BOARD MEMBER JONES: SECOND.

25 CHAIRMAN PENNINGTON: IT'S BEEN MOVED

AND

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1       SECONDED.   ANY FURTHER DISCUSSION?   IF NOT, WILL  
2       THE SECRETARY CALL THE ROLL, PLEASE.

3               THE SECRETARY:   BOARD MEMBER CHESBRO.

4               BOARD MEMBER CHESBRO:   AYE.

5               THE SECRETARY:   GOTCH.

6               BOARD MEMBER GOTCH:   AYE.

7               THE SECRETARY:   JONES.

8               BOARD MEMBER JONES:   AYE.

9               THE SECRETARY:   RELIS.

10              BOARD MEMBER RELIS:   AYE.

11              THE SECRETARY:   CHAIRMAN PENNINGTON.

12              CHAIRMAN PENNINGTON:   AYE.   MOTION

13      CARRIES.

14                      WE'LL MOVE TO ITEM NO. 33E,  
15      CONSIDERATION OF APPROVAL OF A RECYCLING MARKET  
16      DEVELOPMENT ZONE PROGRAM LOAN APPLICATION FOR CROWN  
17      POLY.   CAREN TRGOVCICH.

18              MS. TRGOVCICH:   GOOD MORNING, MR. CHAIRMAN  
19      AND MEMBERS.   ITEM NO. 33E IS ONE OF FIVE LOANS ON  
20      YOUR AGENDA THIS MONTH.   THE FIRST FOUR LOANS WERE  
21      APPROVED ON YOUR CONSENT CALENDAR.   I'D JUST LIKE  
22      TO NOTE FOR THE RECORD THAT THE TOTAL DOLLAR AMOUNT  
23      BEING PROPOSED FOR FUNDING TODAY IS \$3,030,000.

24                      THE ONE ITEM THAT IS ON THE AGENDA  
25      THAT WAS NOT PLACED ON THE CONSENT CALENDAR IS FOR

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1       A LOAN DOLLAR AMOUNT OF \$486,000. IN KEEPING WITH  
2       MEMBER RELIS' RECOGNITION OF THE LOS ANGELES COUNTY  
3       ZONE EARLIER, I'D LIKE TO POINT OUT THAT OVER \$2.6  
4       MILLION OF WHAT IS ON YOUR AGENDA TODAY HAS COME  
5       OUT OF THE LOS ANGELES COUNTY ZONE. SO THAT REALLY  
6       SPEAKS HIGHLY FOR THE WORK THAT MONICA AND THE  
7       STAFF HAVE DONE IN THAT AREA.

8                   THE CROWN POLY LOAN WAS ORIGINALLY  
9       CONSIDERED BY THE BOARD'S LOAN COMMITTEE AT ITS  
10      MEETING ON SEPTEMBER 4TH. AT THAT TIME THE LOAN  
11      COMMITTEE FELT THAT IT NEEDED SOME ADDITIONAL  
12      INFORMATION IN ORDER TO BE ABLE TO CONSIDER THIS  
13      LOAN AND TAKE AN ACTION ON THE CREDIT THAT WAS  
14      PRESENTED TO THEM.

15                   A SUBSEQUENT SPECIAL LOAN COMMITTEE  
16      WAS HELD ON SEPTEMBER 25 VIA TELECONFERENCE, AND  
17      WE'LL BE PRESENTING THE RESULTS OF THAT TELE-  
18      CONFERENCE MEETING.

19                   I'D JUST LIKE TO POINT OUT FOR YOUR  
20      INFORMATION AS WELL THAT THIS LOAN MARKS THE FIRST  
21      LOAN BEING PROCESSED UNDER THE RECENTLY APPROVED  
22      REGULATIONS BY THE OFFICE OF ADMINISTRATIVE LAW.  
23      WHILE THE ENTIRE PACKAGE OF REGULATIONS WAS NOT  
24      APPROVED, THREE CRITICAL ELEMENTS WERE.

25                   THE THREE CRITICAL ELEMENTS ARE THE

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1 INCLUSION OF SOURCE REDUCTION AS AN ELIGIBLE  
2 PROJECT UNDER THIS PROGRAM, AND THAT IS WHAT THE  
3 CROWN POLY LOAN REPRESENTS, AS WELL AS THE  
4 EXPANSION OF OUR CURRENT LOAN COMMITTEE IN ORDER TO  
5 BRING IN ADDITIONAL EXPERTISE AND MAKE ADDITIONAL  
6 MEMBERS AVAILABLE FOR OUR MEETINGS, WHICH ON THE  
7 THIRD ISSUE ARE NOW GOING TO BE MONTHLY SINCE THE  
8 REGULATIONS APPROVED A CONTINUOUS APPLICATION  
9 CYCLE, WHICH MEANS A MONTHLY MEETING CYCLE FOR OUR  
10 LOAN COMMITTEE.

11 WITH THAT, I'LL TURN THE PRESENTATION  
12 OVER TO BOB CAPUTI TO BRIEFLY DESCRIBE FOR YOU THE  
13 CROWN POLY LOAN AND THE CREDIT DECISION.

14 MR. CAPUTI: CHAIRMAN PENNINGTON, BOARD  
15 MEMBERS, FOR THE RECORD BOB CAPUTI, MANAGER OF THE  
16 LOAN PROGRAM. I'M REALLY PLEASED TO PRESENT CROWN  
17 POLY. AS CAREN STATED, IT'S OUR VERY FIRST SOURCE  
18 REDUCTION LOAN. IT'S ALSO A NEW TECHNOLOGY LOAN.

19 THIS COMPANY PRODUCED AND IS  
20 PROMOTING A NEW TECHNOLOGY. A PERSONAL -- LITTLE  
21 PERSONAL NOTE HERE, IT'S A TECHNOLOGY THAT I REALLY  
22 LOVE. IT'S A PRODUCE BAG. IT'S THOSE AGGRAVATING  
23 PRODUCE BAGS IN THE PRODUCE SECTION OF YOUR SAFEWAY  
24 AND THE OTHER MARKETS THAT YOU CAN'T OPEN. THIS  
25 ONE POPS OPEN. IT'S BIGGER, IT'S STRONGER, AND IT

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1        USES 57 PERCENT LESS HDPE.

2                    A LITTLE EXTRA ADDED INCENTIVE, 70  
3        PERCENT OF THOSE BAGS COME FROM TEXAS. AND IF THIS  
4        COMPANY CAN DOMINATE THE MARKET, THIS WILL ADD 30  
5        JOBS TO CALIFORNIA -- 30 AND UPWARD -- AND BESIDES  
6        ALL OF THE OTHER GOOD THE LOAN WILL DO. IT'S A  
7        \$486,000 LOAN.

8                    IT'S LOCATED IN THE LOS ANGELES  
9        COUNTY, THE CITY OF VERNON. THE LOAN IS FOR  
10       WORKING CAPITAL PURPOSES.

11                   ACTUALLY THAT'S ABOUT IT. THE LOAN  
12       COMMITTEE LOOKED AT THE APPLICATION. THEY HAD  
13       ASKED FOR ADDITIONAL INFORMATION ON SEPTEMBER 25TH,  
14       AND AT THAT TIME, WITH THE ADDITIONAL INFORMATION,  
15       IT WAS A UNANIMOUS VOTE OF THE COMMITTEE TO  
16       RECOMMEND APPROVAL TO THE FULL BOARD.

17                   CHAIRMAN PENNINGTON: ANY QUESTIONS OF  
18       STAFF?

19                   BOARD MEMBER RELIS: MR. CHAIR, I'D BE  
20       HAPPY TO MOVE THIS ITEM AND THANK STAFF FOR WORKING  
21       OUT THE CROWN POLY ONE IN THE INTERVENING COUPLE OF  
22       WEEKS THAT WE'VE HAD SINCE WE HEARD THIS IN  
23       COMMITTEE. SO I'LL MOVE APPROVAL OF THE NOW FIVE

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24 LOANS .

25 CHAIRMAN PENNINGTON: WE 'VE ALREADY

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1       APPROVED --

2                   BOARD MEMBER RELIS:   THAT'S CORRECT.   WITH  
3       THE ADDITION OF THE CROWN POLY LOAN TO THAT  
4       PACKAGE.

5                   CHAIRMAN PENNINGTON:   SO I'LL SECOND THAT.

6                   BOARD MEMBER CHESBRO:   MR. CHAIRMAN, I'M  
7       IN FAVOR OF THIS UNDER THE CIRCUMSTANCES WE'RE IN  
8       RIGHT NOW, BUT I WANTED TO ISSUE JUST A COUPLE OF  
9       CAUTIONARY NOTES FOR US TO CONSIDER IN THE FUTURE.  
10      ONE OF THEM IS THAT I'VE ALWAYS BEEN IN FAVOR OF  
11      WASTE PREVENTION, AND I'VE PUSHED VERY HARD FOR  
12      WASTE PREVENTION-RELATED BUSINESSES TO BE ELIGIBLE  
13      FOR LOANS.

14                           BUT WHEN WE WENT THROUGH THE PROCESS  
15      OF ASKING THE ZONE ADMINISTRATORS AND OTHERS TO  
16      RESPOND TO OUR BROADENING OF THE CRITERIA, THIS WAS  
17      AN AREA WHERE SOME CAUTIONARY INPUT WAS RECEIVED.

18                           AND I THINK THAT THE DIFFICULTY IS IN  
19      MAKING SURE THAT YOU'VE GOT AN IDENTIFIABLE  
20      WASTESTREAM THAT IS WINDING UP NOT IN THE LANDFILL  
21      AS A RESULT OF A CHANGE IN THE MANUFACTURING  
22      PROCESS LIKE THIS AND THAT IT BE SIGNIFICANT IN  
23      TERMS OF VOLUME.   AND QUESTIONS COULD BE RAISED

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24        ABOUT THIS ONE, I THINK, ON BOTH COUNTS; HOWEVER,  
25        UNDER THE CIRCUMSTANCE THAT WE DON'T -- WELL, LET



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1 ME BACK UP A SECOND AND SAY THAT QUESTIONS COULD BE  
2 RAISED ABOUT THIS IN A SITUATION WHERE WE HAD A  
3 SHORTAGE OF FUNDS AND A VERY COMPETITIVE SITUATION  
4 WHERE ANOTHER LOAN HAD A MUCH MORE CLEARLY  
5 IDENTIFIED WASTESTREAM THAT WAS MUCH LARGER. AND  
6 SO THAT'S NOT THE CASE WE'RE IN.

7 WE'VE GOT CURRENTLY, HOPEFULLY NOT  
8 FOR LONG, BUT CURRENTLY A SURPLUS OR LARGE AMOUNT  
9 OF LOAN FUNDS THAT WE WANT TO GET OUT THE DOOR.  
10 AND SO I THINK THAT IT'S CERTAINLY APPROPRIATE TO  
11 APPROVE THIS LOAN AT THIS TIME, BUT WE MAY FACE  
12 QUESTIONS IN THE FUTURE IN TERMS OF PRIORITIES, NOT  
13 WHETHER OR NOT IT'S BASELINE ELIGIBLE, BUT WHETHER  
14 OR NOT THE AMOUNT OF THE WASTESTREAM WE'RE  
15 ADDRESSING COMPARES TO, SAY, C&D LOAN OR SOMETHING  
16 ELSE THAT MIGHT BE COMPETING WITH IT. THAT'S JUST  
17 SOMETHING TO KEEP IN MIND. WITH THAT SAID, I'M  
18 CERTAINLY IN FAVOR OF THIS AT THIS TIME

19 BOARD MEMBER RELIS: MR. CHAIR, JUST  
20 SPEAKING TO MR. CHESBRO'S COMMENTS, WE ANTICIPATED  
21 THE POSSIBILITY OF THERE BEING A POINT WHERE A LOAN  
22 LIKE THIS MIGHT FALL OUT, AND WE'VE ASKED STAFF AT  
23 THE APPROPRIATE TIME WHEN THEY THINK THAT THE

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24        COMPETITION IS SUCH TO COME FORWARD WITH A CRITERIA

25        BY WHICH WE WOULD DETERMINE WHETHER A LOAN SUCH AS

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1       THIS COMPARED TO OTHERS WOULD BE MADE.   SO I THINK  
2       WE'VE GOT THAT COVERED.   I'M LOOKING FORWARD TO  
3       THAT TIME WHEN WE CAN EXERCISE THAT DISCRETION.

4               MS. TRGOVCICH:   WE'LL CERTAINLY BE DOING  
5       THAT.   AND MAYBE ONE OTHER NOTE, IN TERMS OF THE  
6       LOANS TO PLASTIC MANUFACTURERS, THE TONS DIVERTED  
7       IS PRETTY MUCH IN LINE IN THIS CROWN POLY LOAN WITH  
8       THE OTHER LOANS.

9               CHAIRMAN PENNINGTON:   ANY FURTHER  
10       DISCUSSION?   IF NOT, WILL THE SECRETARY CALL THE  
11       ROLL.

12              THE SECRETARY:   BOARD MEMBER CHESBRO.

13              BOARD MEMBER CHESBRO:   AYE.

14              THE SECRETARY:   GOTCH.

15              BOARD MEMBER GOTCH:   AYE.

16              THE SECRETARY:   JONES.

17              BOARD MEMBER JONES:   AYE.

18              THE SECRETARY:   RELIS.

19              BOARD MEMBER RELIS:   AYE.

20              THE SECRETARY:   CHAIRMAN PENNINGTON.

21              CHAIRMAN PENNINGTON:   AYE.   MOTION  
22       CARRIES.

23                       WE'LL MOVE TO ITEM 35.

24              MS. TRGOVCICH:   MR. CHAIRMAN, MEMBERS,  
25       AGAIN, CAREN TRGOVCICH.   THIS ITEM WAS HEARD IN

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1 POLICY COMMITTEE EARLIER THIS MONTH, AND AT THAT  
2 TIME WE PRESENTED THE RESULTS OF BOTH THE DAMES &  
3 MOORE REPORT AS WELL AS THE CARNOT REPORT. AT THE  
4 TIME THAT THIS ITEM WAS HEARD IN POLICY COMMITTEE,  
5 WE HAD NOT YET RECEIVED A FINAL DRAFT REPORT FROM  
6 DAMES & MOORE. PRIOR DRAFTS HAD BEEN RECEIVED AND  
7 HAD BEEN PEER REVIEWED BY OUTSIDE ENTITIES IN ORDER  
8 TO LOOK AT BOTH THE DATA ANALYSIS AS WELL AS THE  
9 FINDINGS, AND WHAT WAS REMAINING TO BE PROVIDED TO  
10 TO BOARD STAFF WAS A FINAL FORMATTED VERSION.

11 THE ORIGINAL PURPOSE OF THE DAMES &  
12 MOORE REPORT WAS TWOFOLD. ONE, IT WAS TO BE ABLE  
13 TO BRING TOGETHER THE DATA FROM FACILITIES AROUND  
14 THE STATE, 22 TO BE EXACT, THAT HAD USED TIRES AS A  
15 FUEL SUPPLEMENT AND TO BRING TOGETHER THE EMISSIONS  
16 DATA AND REPORT FINDINGS IN CERTAIN AREAS. AND THE  
17 SECOND PURPOSE AND VERY IMPORTANT TO THE BOARD WAS  
18 TO HAVE A REPORT THAT WOULD BE MADE AVAILABLE TO  
19 LOCAL OFFICIALS TO PROVIDE INFORMATION ON THE  
20 TECHNOLOGY. SO FORMAT AND PRESENTATION IS VERY  
21 IMPORTANT TO US AS WELL IN THIS REPORT.

22 MARTHA WILL BE BRIEFLY DESCRIBING FOR  
23 YOU THE RESULTS OF BOTH OF THOSE REPORTS IN LIEU OF  
24 THE CONTRACTORS WHO ARE LABORATORY TECHNICIANS IN  
25 THIS CASE. THE CONTRACTOR ON -- FROM CARNOT

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1       LABORATORIES WAS HERE AT THE BOARD'S POLICY  
2       COMMITTEE MEETING. WE HAVE NO REPRESENTATIVES FROM  
3       THAT LABORATORY AT TODAY'S BOARD MEETING, AND WE DO  
4       NOT HAVE A REPRESENTATIVE FROM DAMES & MOORE AS  
5       WELL AT TODAY'S MEETING, SO MARTHA WILL BE  
6       SUMMARIZING THOSE RESULTS.

7                       TO BRIEFLY BRING YOU KIND OF TO THE  
8       END OF THE PRESENTATION VERY QUICKLY IN TERMS OF  
9       WHERE WE WILL BE SEEKING YOUR GUIDANCE, DIRECTION,  
10      AND ACTION, WE RECEIVED A SUBSEQUENT FORMATTED  
11      VERSION FROM DAMES & MOORE LAST NIGHT. THIS SOUNDS  
12      LIKE THE POLICY COMMITTEE OF A COUPLE WEEKS AGO,  
13      AND WE AS STAFF ARE STILL UNHAPPY WITH THE FINAL  
14      FORMAT. WE BELIEVE THAT THERE IS SOME WORK THAT  
15      NEEDS TO BE DONE TO MAKE THIS PRESENTABLE TO LOCAL  
16      OFFICIALS.

17                      SO YOU WILL BE SEEING AND YOU'VE BEEN  
18      PROVIDED WITH COPIES OF TWO REVISED RESOLUTIONS,  
19      ONE FOR THE CARNOT REPORT AND ONE FOR THE DAMES &  
20      MOORE REPORT, SO THAT WE CAN SEEK YOUR APPROVAL  
21      AROUND THE CARNOT REPORT AND THEN SEEK APPROVAL OF  
22      THE DAMES & MOORE IN TERMS OF WHAT'S BEEN RECEIVED  
23      WITH SUBSEQUENT ACTION TO FOLLOW, AND WE'LL BE MORE

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24           FURTHER DESCRIBING THAT IN A FEW MOMENTS.

25                               SO I WOULD LIKE TO TURN THE



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1       PRESENTATION OVER TO MARTHA GILDART TO BRIEFLY  
2       SUMMARIZE THE FINDINGS OF THE TWO REPORTS.

3               MS. GILDART:   GOOD MORNING, CHAIRMAN AND  
4       MEMBERS.   AS CAREN SAID, I'LL BE PRESENTING THE  
5       RESULTS OF THE TWO REPORTS, BUT FIRST I THOUGHT I'D  
6       SHOW YOU THE REASON WHY THE BOARD DIRECTED STAFF TO  
7       ENTER INTO THESE CONTRACTS IN THE FIRST PLACE.

8               SINCE 1992, WHEN THE BOARD RELEASED  
9       THE 1992 TIRES AS A FUEL SUPPLEMENT REPORT, WE HAVE  
10      BEEN MAINTAINING THE SINGLE LARGEST POTENTIAL USE  
11      FOR TIRES IN THE STATE IS IN THE ENERGY RECOVERY  
12      FIELD, EITHER AS A FUEL SUPPLEMENT OR DIRECT  
13      BURNING BY ENERGY PRODUCTION FACILITIES SUCH AS  
14      MODESTO ENERGY LIMITED PARTNERSHIP.

15              TO BACK UP SOME OF THAT CLAIM, THE  
16      BOARD HAS DIRECTED VARIOUS CONTRACTS BE ENTERED  
17      INTO TO LOOK AT THE ENVIRONMENTAL IMPACTS FROM USE  
18      OF TIRES AS A FUEL SUPPLEMENT, AND THAT'S WHAT  
19      THESE TWO CONTRACTS ARE INTENDED TO DO.

20              AS CAREN SAID, ONE WAS MORE OF AN  
21      OVERVIEW OF WHAT HAS HAPPENED NATIONWIDE.   THE  
22      OTHER WAS A VERY SPECIFIC EFFORT LOOKING AT  
23      EMISSIONS FROM ONE FACILITY AND WHETHER OR NOT THEY

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24        WOULD COMPLY WITH THE AIR POLLUTION LIMITS IN THEIR  
25        PERMIT.

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1                   SO I WILL FIRST BE GOING OVER THE  
2     RESULTS OF THE DAMES & MOORE STUDY.  THEY COLLECTED  
3     EMISSIONS DATA FROM 28 FACILITIES ACROSS THE  
4     COUNTRY, INCLUDING 15 CEMENT KILNS, A NUMBER OF  
5     PAPER AND PULP FACILITIES, AND SOME ENERGY  
6     FACILITIES.

7                   THEY HAVE ANALYZED THE DATA TO SHOW  
8     THE RESULTS IN FAIRLY SIMPLE COMPARISONS, AND WE  
9     WILL COVER SOME OF THOSE HERE.

10                  FOR INSTANCE, THESE ARE COMPARISONS  
11     OF THE CRITERIA POLLUTANTS.  CRITERIA POLLUTANTS  
12     ARE THOSE FOR WHICH NATIONAL AMBIENT AIR QUALITY  
13     STANDARDS HAVE BEEN SET BY THE U.S. EPA.  THESE ARE  
14     THE ONES WHICH DETERMINE ATTAINMENT STATUS FOR ANY  
15     GIVEN DISTRICT.  MUCH OF CALIFORNIA IS NON-  
16     ATTAINMENT FOR OZONE, HAS TO CONTROL NITROGEN  
17     OXIDES, SOME SECTIONS HAVE PROBLEMS WITH CARBON  
18     MONOXIDE OR PARTICULATE MATTER.

19                  AS YOU CAN SEE, IN THE BASELINE  
20     RESULTS, WHICH IS THE COAL OR THEIR ORIGINAL FUEL  
21     ONLY, IN THE CASE OF THE PULP AND PAPER MILLS, IT'S  
22     SOMETIMES THE WOODWASTE THAT THEY BURN.  THE  
23     MAXIMUM EMISSION RATES, FOR INSTANCE, FOR CARBON  
24     MONOXIDE WITH AND WITHOUT TIRES SHOWS AN INCREASE  
25     WITH THE TIRES.  HOWEVER, THE OXIDES OF NITROGEN

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1       SHOWS A DECREASE BETWEEN THE MAXIMUMS.  A SIMILAR  
2       TREND SHOWS BETWEEN THE MINIMUM LEVELS TOO, BUT I  
3       THINK AT THE MOMENT WE'LL FOCUS ON THESE MAXIMUMS.

4                   INTERESTING RESULT IS THAT SULFUR  
5       DIOXIDE SHOWS A VERY SLIGHT DECREASE ACROSS THE  
6       MAXIMUMS THERE.  THAT WAS A LITTLE BIT UNEXPECTED  
7       BECAUSE TIRES DO CONTAIN A SIGNIFICANT AMOUNT OF  
8       SULFUR.  PARTICULATE MATTER IN THIS CASE ON THE  
9       MAXIMUM SIDE SHOWED A DECREASE ALSO.

10                   ONE OF THE PRESENTATION -- METHODS OF  
11       PRESENTING THE DATA IS GRAPHICAL HERE TO MAKE IT  
12       FAIRLY STRAIGHTFORWARD FOR ANYONE TO LOOK AT IT.  
13       THESE SHOW THE CHANGE, THE DELTA, THAT THE  
14       FACILITIES EXPERIENCED BETWEEN THEIR BASELINE AND  
15       THE TIRE-DERIVED FUEL EMISSIONS.  SO YOU CAN SEE  
16       FOR CARBON MONOXIDE, THE MAJORITY OF THE  
FACILITIES

17       DID EXPERIENCE AN INCREASE.  HOWEVER, FOR  
OXIDES OF

18       NITROGEN, YOU CAN SEE THERE IS A VERY LARGE  
19       PREPONDERANCE OF DECREASE AMONGST THE  
FACILITIES.

20                   THERE'S SEVERAL OF THESE GRAPHS

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IN

21 THE DOCUMENT, AND THAT'S ACTUALLY ONE OF THE  
ISSUES

22 WE'RE WORKING ON. I'LL SHOW YOU A LITTLE  
LATER.

23 THEY ALSO LOOKED AT THE METALS

24 EMISSIONS. I'M NOT REALLY EXPECTING TO COVER  
ALL

25 OF THESE IN ANY DETAIL, BUT JUST SO YOU CAN SEE  
THE

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1 THOROUGHNESS OF THE STUDY. THE COMPOUNDS ARE  
2 LISTED ON THE LEFT THERE: ALUMINUM, ANTIMONY,  
3 ARSENIC, BARIUM. IT ALSO SHOWS THE MAXIMUM AND  
4 MINIMUMS.

5 IF YOU WANT TO LOOK AT SOME OF THE  
6 BASELINE VERSUS TDF RESULTS, ONCE AGAIN, YOU WILL  
7 SEE THERE ARE SOME INCREASES AND SOME DECREASES.  
8 WHEN THEY GO THROUGH THE ENTIRE ANALYSIS, THOUGH,  
9 IT'S PRETTY MUCH A PUSH. THEY'VE ALSO DONE IT FOR  
10 ORGANIC AND INORGANIC EMISSIONS. THE AMMONIA,  
11 ASBESTOS, HYDROGEN CHLORIDE, ACETYLACRILAN  
12 (PHONETIC), FORMALDEHYDE.

13 THEY'VE GONE THROUGH AND TAKEN ALL  
14 THE DATA THAT THEY COULD FIND, INCLUDING THE ONES  
15 THAT ARE OFTEN OF GREAT CONCERN TO THE PUBLIC. THE  
16 DIOXINS, THE PCDD STAND FOR POLYCHLORINATED DIBENZO  
17 P DIOXIN, TEQ STANDS FOR THE TOXIC EQUIVALENT  
18 FACTOR. THAT IS HOW THEY TAKE THE 75 DIFFERENT  
19 COGENERS OF DIOXIN, THE 135 DIFFERENT COGENERS OF  
20 FURANS AND PUT THEM ON A SINGLE BASIS. AND IF YOU  
21 WILL NOTICE, THE BASELINE RESULTS FOR THE PCDD  
22 EQUIVALENT IS 8.3 TIMES 10 TO THE NEGATIVE EIGHTH  
23 POUNDS PER HOURS. THE MAXIMUM UNDER TIRES IS 5.8  
24 TIMES 10 TO THE NEGATIVE EIGHTH, SO IT SHOWS A  
25 FAIRLY SIGNIFICANT DECREASE; BUT ONCE AGAIN, WE'RE

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1 TALKING ABOUT VERY, VERY SMALL NUMBERS.

2 USING THOSE DATA, DAMES & MOORE DID A  
3 COMPARISON OF THE RISK, AND THIS IS WITHIN EACH  
4 FACILITY -- LET ME START OUT WITH THIS ONE -- IT  
5 SHOWS FOR EACH FACILITY THE INCREASE OR DECREASE IN  
6 RISK AS CALCULATED BASED ON THOSE EMISSIONS. THE  
7 WHITE BAR IS THE TIRE-DERIVED FUEL. THE BLACK BAR  
8 IS THE BASELINE. IN MOST INSTANCES THE RISK IS  
9 ACTUALLY DECREASED. IN A COUPLE INSTANCES THERE  
10 WAS AN INCREASE.

11 TO SHOW THE DELTA, ONCE AGAIN, THIS  
12 SHOWS INCREASE VERSUS DECREASE. THOSE BARS ABOVE  
13 THE LINE ARE THE INCREASE AND BELOW ARE THE  
14 DECREASE IN RELATIVE RISK. AND THIS IS WHAT LED  
15 DAMES & MOORE TO CONCLUDE IN ITS REPORT THAT  
16 OVERALL THE USE AS TIRES AS A FUEL SUPPLEMENT FOR  
17 FACILITIES BURNING A VARIETY OF FUELS, THERE IS NO  
18 SIGNIFICANT CHANGE IN THE RISK OR THE EMISSIONS  
19 INVOLVED.

20 NOW, IF YOU NOTICE, THE COUPLE OF  
21 FACILITIES AT THE FAR RIGHT WHICH DO SHOW AN  
22 INCREASE ARE WOOD-FIRED FACILITIES. I THINK WE  
MAY  
23 NEED TO LOOK MORE CLOSELY AT THE EFFECT OF TIRES  
ON

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24        WOOD-BURNING FACILITIES RATHER THAN ON COAL.

25                        ONE OF THE THINGS WE'RE STILL TRYING

86

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1 TO WORK WITH DAMES & MOORE ON ARE LITTLE GLITCHY  
2 THINGS LIKE THIS. AS YOU NOTICE, THE TITLE THERE  
3 IS ILLEGIBLE. WE'VE NOTED THERE ARE LITTLE  
4 PRODUCTION THINGS LIKE THIS DOCUMENT, LITTLE  
5 UNIMPORTANT ISSUES, BUT WE NEED TO GET THEM IRONED  
6 OUT BEFORE WE CAN DISTRIBUTE THE REPORT.

7 THE NEXT REPORT WAS THE ONE BY CARNOT  
8 FOR THE AIR PRODUCTS FACILITY, WHICH IS A  
9 CIRCULATING FLUIDIZED-BED COAL COMBUSTER IN  
10 STOCKTON. IN FEBRUARY WE WERE ABLE TO AMEND AN  
11 EXISTING CONTRACT TO WORK WITH CARNOT TO CONDUCT  
12 THE EMISSIONS TESTING WHILE THE FACILITY BURNED  
13 TIRES. THEY BURNED SOMETHING LIKE A 14-PERCENT  
14 TIRE FUEL SUPPLEMENT ON AVERAGE. THEY LOOKED AT  
15 CRITERIA AND NONCRITERIA POLLUTANTS.

16 THIS FIRST GRAPH SHOWS THE OVERALL  
17 INCREASES AND DECREASES, AND LET ME GET A LITTLE  
18 CLOSER SO YOU CAN READ IT. THE CRITERIA  
19 POLLUTANTS, AS YOU WILL NOTICE, THE DARK BAR IS  
20 THEIR BASELINE. THE GRAY BAR IS WITH TIRES, AND  
21 THE WHITE BAR IS THEIR PERMIT LIMITS. SO YOU WILL  
22 SEE IN SOME CASES THE TIRE-DERIVED FUEL HAD A  
23 SLIGHT INCREASE FOR THE OXIDES OF NITROGEN, BUT IT  
24 HAD A SIGNIFICANT DECREASE WITH THE SULPHUR  
25 DIOXIDE.

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1                   THE -- ALL VALUES ARE UNDER THEIR  
2       PERMIT LIMITS. THIS IS WHAT THE SAN JOAQUIN VALLEY  
3       UNIFIED AIR POLLUTION CONTROL DISTRICT IS  
4       EVALUATING AS TO WHETHER OR NOT THEY WILL MODIFY  
5       THEIR PERMIT TO ALLOW THEM TO BURN THE TIRES ON A  
6       REGULAR BASIS.

7                   MS. TRGOVCICH: MAYBE JUST TO INTERJECT  
8       HERE, WE RECEIVED A COPY A LETTER FROM THE SAN  
9       JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL  
10      DISTRICT TO THE AIR PRODUCTS FACILITY. AND IN THAT  
11      LETTER THEY HAD PRELIMINARILY REVIEWED THE  
12      INFORMATION, AND SOME OF THE INFORMATION MARTHA IS  
13      ABOUT TO PRESENT TO YOU UNDER THE TOXIC HOT SPOTS  
14      PROGRAM, AND IT WAS A VERY POSITIVE LETTER THAT  
15      CAME BACK SAYING THAT THEY SAW NO CHANGE IN TERMS  
16      OF THE RISK ASSOCIATED WITH THE FACILITY AND THE  
17      NEED TO DO FURTHER ANALYSIS IN THAT AREA.

18                  SO THAT PAVES THE WAY FOR ANY  
19      MODIFICATIONS THAT THIS PARTICULAR FACILITY MAY  
20      WISH TO SEEK AROUND THEIR PERMIT AND THE INCLUSION  
21      OF TIRE-DERIVED FUEL AS A SUPPLEMENT.

22                  MS. GILDART: THE FACILITY RAN THROUGH THE  
23      EMISSION TESTS FOR THE NONCRITERIA POLLUTANTS.

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24 JUST QUICKLY, YOU CAN GET A LISTING OF THE TYPES OF  
25 COMPOUNDS THEY LOOKED FOR. ONCE AGAIN, IT'S A

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1 SIMILAR LIST AS THE DAMES & MOORE STUDY. THESE ARE  
2 THE METALS THAT THEY EXAMINED: ANTIMONY, ARSENIC,  
3 CADMIUM, CHROMIUM, LEAD, ALL THE BIG BAD ACTORS.

4 THEY WENT THROUGH THE ORGANICS AND  
5 THE INORGANICS AND THEY WENT THROUGH THE DIOXINS.  
6 AFTER HAVING EVALUATED ALL THOSE EMISSIONS, AND  
7 THIS IS THE DOCUMENT -- THESE ARE THE RISK RESULTS  
8 THAT THEY SUBMITTED TO THE SAN JOAQUIN VALLEY AIR  
9 DISTRICT. GIVE YOU A LITTLE BIT OF BACKGROUND  
10 HERE.

11 THIS IS A SCREENING PROCESS THEY USE  
12 FOR DETERMINING WHETHER OR NOT THERE'S A  
13 SIGNIFICANT CHANGE IN RISK. THE AB 2588 AIR TOXICS  
14 HOT SPOT BILL WAS PASSED SEVERAL YEARS AGO,  
15 SPONSORED BY LLOYD CONNALLY. AND IT REQUIRED ALL  
16 SOURCES OF AIR EMISSIONS IN THE STATE TO LOOK AT  
17 THEIR NONCRITERIA POLLUTANTS, THE TOXIC POLLUTANTS,  
18 AND TO PROVIDE DATA THAT WOULD ALLOW THE DISTRICTS  
19 TO SLOT THEM INTO ONE OF THREE DIFFERENT RANKINGS,  
20 WHETHER IT WAS A LOW, MODERATE, OR HIGH RISK  
21 FACILITY.

22 IF THEY FELL INTO THE HIGH RISK  
23 LEVEL, THEN THEY HAD TO CONDUCT CERTAIN KINDS OF

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24 MONITORING. THEY HAD TO DO DOWNWIND TESTING OF  
25 AMBIENT AIR AND CALCULATE RISKS FOR THE RESIDENTS



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1       AND PROVIDE THAT DATA TO THE RESIDENTS.

2                   OBVIOUSLY THE LOWER OR THE MODERATE  
3       RANKING WAS MUCH LESS INVOLVED.  NONETHELESS, ALL  
4       THE FACILITIES HAD TO GO THROUGH THESE CALCULA-  
5       TIONS.  SO WHAT WE HAVE HERE, AND IT'S INCLUDED IN  
6       YOUR AGENDA PACKET THERE IN ITEM 35, PAGE 207, IT  
7       SHOWS THE CHANGES IN HOW THEY DO THAT RISK  
8       RANKING.  IT LISTS THE CARCINOGENIC EFFECTS WITH  
9       AND WITHOUT THE TIRE FUEL.

10                   IF YOU NOTICE, THE TOTAL CALCULATED  
11       RISK FOR THE ORIGINAL FUEL, WHICH WAS THE COAL AND  
12       PETROLEUM COKE MIXTURE, WAS AT 1.48.  THAT WOULD  
13       PUT THEM IN THE MIDDLE CATEGORY.  WHEN THEY USED  
14       TIRES, THEY ACTUALLY DROPPED DOWN.  IT WENT BELOW  
15       ONE.  IF YOU WILL NOTICE, IN THE BOTTOM LEFT-HAND  
16       CORNER THERE WHERE IT DESCRIBES LESS THAN ONE  
17       INDICATES LOW PRIORITY FOR RISK ASSESSMENT, ONE TO  
18       TEN INDICATES INTERMEDIATE PRIORITY, AND GREATER  
19       THAN TEN INDICATES HIGH PRIORITY.

20                   SO THE CARCINOGENIC EFFECTS  
21       DECREASED.  THERE'S ALSO NONCARCINOGENIC EFFECTS  
22       BOTH CHRONIC AND ACUTE.  IN THIS CASE THERE WAS A  
23       SLIGHT INCREASE FROM THE NONCARCINOGENIC EFFECTS.

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24       HOWEVER, IT STILL KEEPS THEM IN THE LOW END OF THAT  
25       INTERMEDIATE CATEGORY. THE ACUTE EFFECTS WERE

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1        ESSENTIALLY THE SAME WHERE THEY'RE AT THE VERY LOW  
2        PRIORITY READING.

3                    SO OVERALL THIS IS WHAT THE AIR  
4        DISTRICT LOOKS AT TO DETERMINE IF THERE IS ANY  
5        CHANGE NEEDED OR IF THEY WILL INDEED ALLOW THEM TO  
6        GO FORWARD.  AND BASED ON THIS, THERE WAS NO  
7        SIGNIFICANT CHANGE FOUND IN THEIR POSSIBLE RISK  
8        CATEGORY.

9                    JUST SO YOU CAN UNDERSTAND HOW SOME  
10       OF THESE THINGS CAN CREATE A LOT OF DEBATE, I  
11       WANTED JUST TO GO BRIEFLY OVER ONE TYPE OF COMPOUND  
12       THAT YOU HEAR A LOT OF PEOPLE TALKING ABOUT.  AND  
13       THAT'S DIOXIN.  IT IS OFTEN DESCRIBED AS ONE OF THE  
14       MOST TOXIC COMPOUNDS KNOWN TO MAN.  IT'S ACTUALLY A  
15       RATHER INTERESTING ONE.  IT IS COMPOSED OF TWO  
16       BENZENE RINGS LINKED BY TWO OXYGEN ATOMS.  THAT'S  
17       WHERE IT GETS ITS DIBENZO P DIOXIN NAME.  EACH ONE  
18       OF THOSE NUMBERED SITES THERE ONE THROUGH NINE CAN  
19       HAVE A CHLORINE ATOM ATTACH.  IT DISPLACES THE  
20       HYDROGEN.  AND YOU CAN HAVE A DIOXIN THAT HAS A  
21       SINGLE CHLORINE ALL THE WAY UP TO EIGHT CHLORINES,  
22       AND THAT'S WHY WE HAVE 75 DIFFERENT FORMS OF  
23       DIOXIN.

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24 SO THEY GIVE THESE VERY ELABORATE  
25 NAMES HERE, THE 123478 HEXACHLORINATED DIBENZO P  
91

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1 DIOXIN. NICE LONG MOUTHFUL THERE. THE INTERESTING  
2 THING IS THAT THE MOST TOXIC FORM OF THE DIOXIN  
3 MOLECULE IS WHAT THEY CALL THE 2378 TETRA-  
4 CHLORINATED DIBENZO P DIOXIN. THAT'S THE ONE WHERE  
5 THERE ARE FOUR CHLORINE ATOMS AT THE FOUR CORNERS  
6 THERE IN POSITION 2, 3, 7, AND 8. WHAT THEY HAVE  
7 DONE, BECAUSE THE DIOXIN MOLECULES ARE NOT TOXIC,  
8 SOME ARE HIGHLY TOXIC, IS THEY'VE COME UP WITH THIS  
9 CALCULATION METHOD WHERE THEY DETERMINE WHAT THE  
10 TOXIC EQUIVALENT IS FOR ALL THE DIFFERENT EMISSIONS  
11 OF ALL THE DIFFERENT DIOXINS.

12 AND THEN WHAT THEY GO THROUGH IS THEY  
13 TEST. AND YOU WILL SEE, AND THESE ONCE AGAIN SHOW  
14 MAXIMUM AND MINIMUM LEVELS FOR BASELINE AND TIRE  
15 FUEL. SOME OF THEM GO UP; SOME OF THEM GO DOWN. I  
16 TRIED TO DRAW A LITTLE ARROW THERE IN THE VERY  
17 CORNER. I DON'T KNOW IF YOU CAN SEE IT ON YOUR  
18 SMALLER SCREEN TO SHOW HOW MANY OF THEM DECREASE,  
19 DECREASE, DECREASE. THE YELLOW ONE INCREASED,  
20 DECREASED. WHAT HAPPENS IS THEY TAKE ALL THOSE  
21 ACTUAL MEASUREMENTS OF THE DIFFERENT COGENERS OF  
22 DIOXIN, CALCULATE THE TOXIC EQUIVALENT, AND THAT'S  
23 THE NUMBER HERE, THE SECOND HIGHLIGHTED YELLOW

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24       NUMBER, AND THAT IS WHERE YOU CAN HAVE SOMEONE SAY  
25       THE RISK DECREASES.   OKAY.   THE EMISSIONS WENT DOWN  
          92

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1 FROM 8.3 TIMES 10 TO THE NEGATIVE EIGHTH TO 5.8  
2 TIMES 10 TO THE NEGATIVE EIGHTH.

3 BUT YOU CAN HAVE SOMEONE ELSE LOOKING  
4 AT THE SAME DATA SET AND SAY, OH, BUT IT INCREASED  
5 TREMENDOUSLY. THE ACTUAL 2378 TETRA FORM DID  
6 INCREASE BETWEEN 1.3 AND 1.96 TIMES 10 TO THE  
7 NEGATIVE EIGHTH. SO IT GETS VERY CONTROVERSIAL,  
8 AND YOU HAVE PEOPLE CAN ARGUE DIFFERENT POINTS; BUT  
9 IF YOU FOLLOW THE ACCEPTED METHODS USED BY AIR  
10 POLLUTION CONTROL OFFICIALS IN CALCULATING RISK,  
11 WHAT THEY LOOK AT IS THE OVERALL EFFECT. AND TO  
12 DATE, AND PARTICULARLY FOR THE AIR PRODUCTS  
13 FACILITY, THEY FEEL THE RISK IS DECREASED.

14 SO WITH THAT, WE WANT TO DISCUSS THE  
15 ACCEPTANCE OF THE REPORTS OR THE RESOLUTION?

16 BOARD MEMBER CHESBRO: ARE THERE COPIES  
17 AVAILABLE?

18 MS. TRGOVCICH: THERE WERE COPIES, I  
19 BELIEVE, THAT WERE DISTRIBUTED TO EACH OF YOUR  
20 OFFICES LAST NIGHT WHEN WE REALIZED WE HAD RECEIVED  
21 A REPORT THAT WAS LESS THAN COMPLETE. PATTI  
22 BERTRAM, THE BOARD'S ADMINISTRATIVE ASSISTANT,  
23 DISTRIBUTED THEM. WE CAN CERTAINLY PROVIDE YOU

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24        WITH COPIES OR PUT THEM ON THE OVERHEAD.

25                BOARD MEMBER CHESBRO:    IF THEY HAVEN'T



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1       BEEN AVAILABLE TO BOARD MEMBERS, HAVE THEY BEEN  
2       AVAILABLE TO THE PUBLIC?

3               MS. TRGOVCICH:   THEY WERE MADE AVAILABLE  
4       AT THE BACK OF THE ROOM.

5               BOARD MEMBER CHESBRO:   JUST LAST NIGHT AND  
6       THIS MORNING.

7               MS. TRGOVCICH:   ARE YOU REFERRING TO THE  
8       RESOLUTIONS?

9               BOARD MEMBER CHESBRO:   NO, THE REPORT.

10              MS. TRGOVCICH:   THE REPORTS, WHAT WE  
11       STATED IN THE ITEM WAS THAT THE CARNOT REPORT WAS  
12       1,000 PAGES LONG.   ANYONE WISHING COPIES OR  
13       EXCERPTS OF THE REPORT, WE PROVIDED A NAME AND  
14       CONTACT NUMBER IN THE AGENDA ITEM ITSELF THAT WENT  
15       OUT WITH THE POLICY COMMITTEE ITEM.

16              DAMES & MOORE WAS LIKEWISE  
17       DESCRIBED.   SO ANYONE WISHING A COPY, THAT COPY WAS  
18       MADE AVAILABLE TO THEM.   AND NAMES AND PHONE  
19       NUMBERS WERE PROVIDED IN THE AGENDA ITEM ITSELF.

20              CHAIRMAN PENNINGTON:   MR. RELIS.

21              BOARD MEMBER RELIS:   MR. CHAIR, I BROUGHT  
22       THIS UP IN COMMITTEE, AND I JUST WANTED TO RESTATE  
23       IT.   I THINK IT'S IMPORTANT FOR US TO UNDERSTAND,  
24       IN LOOKING AT THESE REPORTS, THAT THE TESTING  
25       PROTOCOLS WERE DONE IN ACCORDANCE WITH THE AIR

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1 BOARD'S REQUIREMENTS. IS THAT TRUE? IN OTHER  
2 WORDS, ACROSS THE BOARDS THERE ARE SPECIFIC  
3 PROCEDURES SET FORTH BY THE STATE AIR BOARD FOR  
4 THIS TYPE OF RISK ASSESSMENT; IS THAT CORRECT?

5 MS. GILDART: FOR ANY OF THE DATA TO BE  
6 ACCEPTED BY THE AIR POLLUTION CONTROL DISTRICT,  
7 THEY HAVE TO USE THE PROSCRIBED MANNER OF TESTING,  
8 AND THEY LAY THAT OUT IN THE REPORT. THAT'S WHY  
9 THE AIR PRODUCTS CARNOT FACILITY REPORT IS SO LONG.  
10 IT'S MOSTLY LIKE DATA SHEETS SO THAT PEOPLE CAN GO  
11 THROUGH AND CHECK EACH PARAMETER, WHAT THE AIR FLOW  
12 WAS, WHAT THE COMBUSTION RATE WAS, WHAT THE  
13 TEMPERATURES WERE, HOW MUCH LIMESTONE WAS BEING  
14 INJECTED FOR THE SULFUR DIOXIDE CONTROL, HOW MUCH  
15 AMMONIA WAS BEING INJECTED FOR THE OXIDES OF  
16 NITROGEN CONTROL, HOW THAT AFFECTS THE TOTAL  
17 EMISSIONS COMING OUT, WHAT KINDS OF EQUIPMENT WAS  
18 USED, WHAT TEMPERATURE YOU KEPT THE PROBE AT, AND  
19 THE IMPINGERS THAT COLLECTED ALL THE MATERIALS, AND  
20 THE FILTER CATCH, AND HOW YOU TOOK IT TO THE LAB.

21 IT'S A VERY ELABORATE PROCEDURE, BUT  
22 IT'S ONE THAT'S BEEN DEVELOPED OVER THE LAST 20  
23 YEARS. AND THAT'S WHAT THESE PEOPLE DO FOR A  
24 LIVING. THEY ARE PROFESSIONALS IN CONDUCTING THESE  
25 KINDS OF TESTS. THEY ARE REVIEWED BY THE AIR

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1       DISTRICTS, AND THAT'S ALL THAT GOES INTO JUST  
2       CHANGING A PERMIT SLIGHTLY.

3               BOARD MEMBER RELIS:   I RAISE THAT BECAUSE,  
4       YOU KNOW, WE'RE NOT EXPERTS IN THE AIR AREA, AND  
5       WE'RE RELYING -- I MEAN I THINK WE HAVE TO RELY ON  
6       EITHER BOTH THE CREDIBILITY OF THE CONTRACTOR DOING  
7       THE WORK IN ACCORDANCE WITH THE PROCEDURES SET  
8       FORTH BY A SISTER AGENCY THAT IS IN THE AIR  
9       BUSINESS AND HAS BEEN FOR MANY YEARS, 20 -- OVER  
10      20 YEARS AND IS CONSIDERED, I THINK, A WORLDWIDE  
11      LEADER IN THE AIR QUALITY ARENA.

12             MS. TRGOVCICH:   I THINK AT THE POLICY  
13      COMMITTEE STEVE HOWIE WAS HERE FROM THE DISTRICT  
14      ITSELF.   AND WHAT HE STATED ON THE RECORD AT THE  
15      TIME WAS THEY USED THE MORE STRINGENT OF THE TEST  
16      METHODS AVAILABLE; THAT IF THE FEDERAL STANDARD IS  
17      MORE STRINGENT, THEN THE FEDERAL METHOD IS APPLIED.  
18      IF THE STATE METHOD IS MORE STRINGENT OR THE  
19      DISTRICT MORE STRINGENT, THEN THAT APPLIES.

20             BOARD MEMBER GOTCH:   YES, I'D LIKE TO ASK  
21      STAFF IF THEY WOULD PLEASE DISCUSS WHAT IT MEANS IF  
22      WE ACCEPT THIS REPORT.   AND THEN SECONDLY, WHEN DO  
23      WE DISCUSS THE POLICY IMPLICATIONS OF BOTH OF THESE  
24      REPORTS?

25             MS. TRGOVCICH:   IN TERMS OF THE ACCEPTANCE

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1       OF THESE REPORTS, THE ITEM BEFORE YOU IS WE LET TWO  
2       CONTRACTS FOR TWO APPROACHES TO LOOK AT AND ANALYZE  
3       THE DATA. WHAT WE HAVE BEFORE YOU ARE THE RESULTS  
4       OF THOSE TWO CONTRACTS.

5                   THE DATA EXISTS AND THERE'S NOTHING  
6       WE WOULD DO TO CHANGE THAT DATA. THE ANALYSIS IS  
7       HERE, AND IT'S BEEN PERFORMED IN ACCORDANCE WITH  
8       THE MORE STRINGENT OF THE METHODS APPLIED. SO  
9       THERE IS NOT A POLICY PER SE IN THESE REPORTS.  
10      WHAT THESE REPORTS ARE IS PRESENTATION OF DATA AND  
11      THE ANALYSIS OF THOSE DATA.

12                   THE POLICY ITEM, WHICH WAS CONSIDERED  
13      COMPANION TO THIS ITEM AT THE POLICY COMMITTEE  
14      MEETING EARLIER THIS MONTH, THEN THAT WAS BASED  
15      UPON WHAT DOES THIS DATA MEAN. DOES THIS DATA  
16      SUPPORT THE BOARD LOOKING AT A PROACTIVE POLICY  
17      VERY SIMILAR TO WHAT WE LOOK AT IN THE AREA OF  
18      MOLDED RUBBER PRODUCTS OR RUBBERIZED ASPHALT  
19      CONCRETE IN THE STATE IN PROMOTING THOSE  
20      TECHNOLOGIES? DOES THE BOARD WANT TO PROMOTE THIS  
21      TECHNOLOGY AS WELL? AND THAT POLICY ITEM, I  
22      BELIEVE, WAS MOVED TO THE OCTOBER BOARD MEETING AT  
23      THE REQUEST OF INTERESTED PARTIES TO HAVE MORE TIME  
24      TO LOOK AT THE POLICY IMPLICATIONS.

25                   SO THE ACTIONS ON YOUR AGENDA TODAY

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1 ARE ACCEPTANCE OF THE DATA AND THE ANALYSIS OF THAT  
2 DATA ONLY.

3 BOARD MEMBER JONES: MR. CHAIRMAN, JUST,  
4 YOU KNOW, THERE'S TWO -- I MEAN AS FAR AS ACCEPTING  
5 THIS, THAT'S JUST THE SCIENCE, AND THE AIR BOARD  
6 HAS ALREADY SAID THIS HAS DONE A GOOD JOB. AND WE  
7 FUNDED IT AND FUNDED THE ANALYSIS OF THE ASH TO  
8 MAKE SURE THAT THERE WASN'T ANY ENVIRONMENTAL  
9 PROBLEM.

10 I THINK ONE OF THE REASONS THAT WE  
11 TOOK THIS -- THESE ARE TWO SEPARATE ISSUES. I MEAN  
12 THE ITEM ON THE CARNOT REPORT WAS STRICTLY -- WAS  
13 SOMETHING THAT WAS DONE A YEAR AGO OR SOMETHING OR  
14 EIGHT MONTHS AGO OR TEN MONTHS AGO. THE DAMES &  
15 MOORE, AS I REMEMBER IN SAN BERNARDINO, WE HAD  
16 TALKED ABOUT -- I THINK IT MAY HAVE BEEN LET  
17 EARLIER THAN THAT, AND WE TALKED ABOUT PUTTING THIS  
18 INFORMATION IN ENGLISH SO THAT BOARDS OF  
19 SUPERVISORS, CITY COUNCIL PEOPLE WHO HAD LOCAL  
20 IDEA -- YOU KNOW, HAD SOMETHING THAT WAS IN ENGLISH  
21 THAT THEY COULD UNDERSTAND.

22 SO I THINK IT WAS CRITICAL THAT THAT  
23 WAS PART OF THEIR JOB WAS TO MAKE THIS AS SIMPLE

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24       FOR PEOPLE TO READ AS POSSIBLE.

25                               THE ACTIONS OF THE 1992 POLICY OR  
                                  98

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1 REPORT THAT ENCOURAGED THE USE OF TDF HAS BEEN A  
2 LONG-STANDING POLICY. I THINK THAT THIS SUPPORTS  
3 WHAT THAT 1992 REPORT INDICATED AS A WILLINGNESS TO  
4 PROMOTE TDF ALONG WITH CIVIL ENGINEERING, ALONG  
5 WITH THE MARKET DEVELOPMENT ISSUES, BUT I THINK  
6 TODAY'S ITEM IS JUST STRICTLY LOOKING AT THIS. AND  
7 THE REASON THAT WE PULLED THE ITEM OR POSTPONED IT  
8 FOR A MONTH, WE HAD NOTICED EVERYBODY, ALL THE  
9 NORMAL PLAYERS, BUT WE ALSO SENT OUT EXTRA NOTICES  
10 TO PEOPLE THAT HAD INTEREST. AND THEY WANTED MORE  
11 TIME TO RESPOND.

12 AND IT WAS INTERESTING IN SOME OF  
13 THOSE DISCUSSIONS, KIND OF MADE IT -- ANYWAY, WE  
14 DECIDED THAT WE WOULD HOLD THIS OVER FOR A MONTH SO  
15 THAT THOSE PEOPLE COULD RESPOND AGAIN TO THE  
16 POLICY. BUT IT'S -- YOU KNOW, THIS IS SEPARATE  
17 FROM THAT ITEM. THIS IS THE SCIENCE.

18 BOARD MEMBER CHESBRO: HAS ANYBODY  
19 ACTUALLY SEEN THE DAMES & MOORE REPORT?

20 MS. TRGOVCICH: THE DAMES & MOORE REPORT  
21 WAS PROVIDED UPON REQUEST, AND IT WENT OUT FOR PEER  
22 REVIEW IN JUNE. SO IN JUNE DRAFT COPIES OF THE  
23 REPORT WERE RELEASED TO A BROAD AUDIENCE FOR INPUT

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24       ON THAT INFORMATION.

25                       THE ONLY THING THAT WE'RE DOWN TO ON

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1 THE DAMES & MOORE REPORT, THE DIFFERENCE BETWEEN  
2 THE DRAFTS AND THE FINAL AND REASON WHY WE HAVE NOT  
3 DISTRIBUTED THE TWO, QUOTE, UNQUOTE, FINALS THAT WE  
4 HAVE RECEIVED IS BECAUSE THERE ARE TYPOS, CHARTS  
5 ARE IN THE WRONG PLACE, CHARTS THAT WERE IN THE  
6 DRAFT VERSION IN JUNE WERE OMITTED FROM THE FINAL  
7 REPORT, SO IT HAS NOTHING TO DO WITH THE CONTENT OF  
8 THE REPORT.

9 BOARD MEMBER CHESBRO: MR. JONES MADE  
10 REFERENCE TO THE AIR BOARD HAVING SOMEHOW  
11 COMMUNICATED A POSITIVE REVIEW OF IT. WAS THERE --  
12 WHAT THE ACTUAL AIR BOARD COMMUNICATION?

13 MS. TRGOVCICH: THE AIR BOARD COMMUNICA-  
14 TION, ARE YOU REFERRING TO THE AIR DISTRICT  
15 COMMUNICATION AROUND THE AIR PRODUCTS FACILITY?

16 BOARD MEMBER JONES: THAT'S WHAT I WAS  
17 REFERRING TO.

18 MS. TRGOVCICH: THAT COMMUNICATION WAS  
19 RECEIVED ABOUT A WEEK AND A HALF AGO. THE AIR  
20 PRODUCTS FACILITY SUBMITTED THE INFORMATION, THE  
21 DATA, PREPARED BY CARNOT TO BE EVALUATED UNDER THE  
22 DISTRICT'S HOT SPOTS PROGRAM. THE LETTER THAT CAME  
23 BACK LOOKED AT THE INFORMATION, SPECIFICALLY THE  
24 LAST TABLE THAT MARTHA WENT OVER FOR YOU THERE IN  
25 TERMS OF CARCINOGENIC EFFECTS, NONCARCINOGENIC

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1       EFFECTS, BOTH ACUTE AND TOXIC.

2                       AND WHAT THEIR REVIEW CAME BACK AND  
3       WHAT THEY SAID IN THE LETTER WAS WE DON'T SEE WHERE  
4       YOUR PRIORITY RANKING FOR THIS FACILITY WOULD  
5       CHANGE AT ALL GIVEN THIS INFORMATION. SO THEY  
6       WOULD NOT BE REQUESTING ADDITIONAL HEALTH RISK  
7       ASSESSMENT AROUND THIS FACILITY AND THEIR PERMIT  
8       MODIFICATION TO BURN TDF.

9                       BOARD MEMBER CHESBRO: SHIFTING BACK TO  
10      THE OTHER QUESTION, SO DRAFTS HAVE BEEN WIDELY  
11      CIRCULATED AND THE ONLY THING THAT HAS NOT BEEN IS  
12      THE FINAL?

13                      MS. TRGOVCICH: THE FINAL IN TERMS OF THE  
14      DAMES & MOORE, YES, BECAUSE WE WOULD MAKE COPIES  
15      AVAILABLE IF ANYONE REQUESTED IT, BUT BECAUSE IT  
16      WAS ESSENTIALLY THE VERY SAME INFORMATION, BUT  
17      FORMATTED INCORRECTLY AND WITH TYPOS, WE USED OUR  
18      WASTE PREVENTION ETHIC AND SAID WE'RE NOT GOING TO  
19      WIDELY DISTRIBUTE COPIES OF A FINAL REPORT THAT WE  
20      DON'T FEEL ARE IN ITS FINAL FORM.

21                      BOARD MEMBER CHESBRO: WE'VE TALKED ABOUT  
22      IT BEING AVAILABLE, BUT HAVE WE RECEIVED  
23      SIGNIFICANT FEEDBACK FROM PEOPLE WHO -- TECHNICALLY

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24           ORIENTED PEOPLE WHO HAVE, IN FACT, REVIEWED IT?

25                       MS. GILDART: WHO HAVE REVIEWED IT. IT



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1 WAS SENT FOR PEER REVIEW TO AIR REGULATORS AND THE  
2 CEMENT INDUSTRY. THAT WAS THE DRAFT.

3 BOARD MEMBER CHESBRO: IN THE CEMENT  
4 INDUSTRY OR AND THE CEMENT INDUSTRY?

5 MS. GILDART: AND.

6 BOARD MEMBER CHESBRO: AND THE CEMENT  
7 INDUSTRY. DID WE --

8 MS. GILDART: WE RECEIVED COMMENTS. THEY  
9 WERE ALL COMPILED. STAFF COMMENTS, AIR REGULATORY  
10 COMMENTS, AND CEMENT INDUSTRY COMMENTS WERE  
11 COMPILED ON A DRAFT DOCUMENT AND SUBMITTED TO DAMES  
12 & MOORE IN AUGUST. AND IT'S BEEN TRYING TO GET ALL  
13 THOSE LITTLE CHANGES INCORPORATED THAT HAS TAKEN  
14 THE TIME. AND WHEN WE SAW THE COPY YESTERDAY,  
15 THERE'S STILL SOME CLEANUP NECESSARY. IT DOESN'T  
16 MEAN THEY NEED TO GO BACK AND COLLECT MORE DATA OR  
17 RUN MORE ANALYSIS OR DO MORE STATISTICAL ANALYSIS  
18 ON THE CORE RELATION BETWEEN THE VALUES.

19 BOARD MEMBER CHESBRO: SO IT'S YOUR  
20 POSITION OR YOU'RE TELLING US THAT THE -- THOSE  
21 COMMENTS HAVE IN SUBSTANCE BEEN RESPONDED TO OR  
22 INCORPORATED.

23 MS. GILDART: THEY'VE EITHER BEEN

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24        INCORPORATED OR AN EXPLANATION OFFERED AS TO WHY  
25        THEY COULD NOT BE.    FOR INSTANCE, THE AIR BOARD HAD  
   102

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1       POINTED OUT RIGHTLY THAT YOU CANNOT COMPARE EXACT  
2       EMISSIONS BETWEEN DIFFERENT FACILITIES WHO WILL  
3       HAVE USED DIFFERENT TEST METHODS TO DETERMINE  
4       THOSE, BUT YOU CAN COMPARE THEM WITHIN THE  
5       FACILITY. SO THAT'S WHY THEY'RE LOOKING AT THE  
6       DELTA WITHIN ONE FACILITY, BUT YOU CAN'T SAY, YOU  
7       KNOW, CONCLUSIVELY THAT THIS TECHNOLOGY WILL  
8       CONSISTENTLY DO IT. YOU'VE GOT LIKE A  
9       PREPONDERANCE OF DATA THAT SHOW OVER AND OVER THESE  
10      CEMENT KILNS HAVE A DECREASE IN OXIDES OF NITROGEN,  
11      BUT YOU CAN'T ACTUALLY COMPARE CEMENT KILN A TO B  
12      TO C BECAUSE THEY WERE IN THREE DIFFERENT STATES  
13      USING THREE DIFFERENT TEST METHODS.

14                   SO THEY WANTED SOME LANGUAGE THAT WAS  
15      INCORPORATED IN THE REPORT THAT CAREFULLY EXPLAINS  
16      THAT TO PEOPLE, THAT YOU COMPARE IT IN ONE WAY, BUT  
17      NOT NECESSARILY IN ANOTHER. YOU CAN LOOK OVERALL  
18      AT WHETHER OR NOT THEY'RE FALLING WITHIN THE  
19      ENVELOPE, THE MAXIMUM AND MINIMUM.

20                   MS. TRGOVCICH: SO WE HAVE REVIEWED THE  
21      FINAL THAT DAMES & MOORE SUBMITTED. THE COMMENTS  
22      HAVE BEEN ADDRESSED, THE CONSOLIDATED COMMENTS.  
23      WHAT REMAINS ARE THE SPECIFIC CHARTS AND TABLES.  
24      MARTHA SHOWED YOU AN EXAMPLE JUST WHERE IN ORDER TO  
25      PROVIDE THIS DOCUMENT OUTSIDE OF THIS AGENCY, WE

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1        WOULD LIKE TO MAKE SURE THAT PEOPLE COULD READ THE  
2        TABLE HEADINGS, FOR EXAMPLE.

3                        AND MAYBE IF I CAN USE THAT AS A  
4        SEGUE TO DISCUSS THE MODIFIED RESOLUTION THAT WAS  
5        PROVIDED TO YOUR OFFICES, WHICH IS INCLUDED ON THE  
6        BACK TABLE FOR ANYONE INTERESTED.  WHAT WE DID  
FROM

7        THE AGENDA ITEM WAS WE BROKE OUT THE TWO  
REPORTS.

8        SINCE WE ARE RECOMMENDING CHANGE TO THE  
RESOLUTION

9        AROUND THE DAMES & MOORE REPORT, AND I'LL DIRECT  
10       YOUR ATTENTION TO THE BOTTOM OF THE RESOLUTION  
11       WHERE IT SAYS "NOW THEREFORE BE IT RESOLVED,  
THAT

12       THE BOARD HEREBY ACCEPTS THE DATA, ANALYSIS, AND  
13       FINDINGS OF DAMES & MOORE PRESENTED IN THE DRAFT  
14       REPORT PURSUANT TO THE CONTRACT AND DIRECT STAFF  
TO

15       WORK WITH DAMES & MOORE TO DEVELOP A FINAL  
16       FORMATTED VERSION OF THE REPORT THAT IS  
ACCEPTABLE

17       TO THE EXECUTIVE DIRECTOR IN FULFILLMENT OF THE

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18 CONTRACT TO BE RECEIVED NO LATER THAN OCTOBER  
19 10TH."

20 WE SPECIFIED A DATE IN THERE  
BECAUSE

21 WE FEEL THAT THE CHANGES ARE SO MINOR AND ONLY  
OF A

22 FORMATTING NATURE THAT THIS IS SOMETHING THAT  
23 SHOULD BE ABLE TO BE ACCOMPLISHED WITHIN THE  
NEXT

24 WEEK AND A HALF, AND WE WILL HAVE THE REPORT  
25 AVAILABLE. SO WE ARE LOOKING FOR A MOTION OR  
ARE

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1 REQUESTING AND RECOMMENDING THAT YOU DIRECT THE  
2 STAFF TO ACCEPT THE REPORT, THAT YOU ACCEPT THE  
3 REPORT AS IT RELATES TO THE DATA ANALYSIS AND  
4 FINDINGS, AND THAT THE EXECUTIVE DIRECTOR WILL LOOK  
5 AT THE FINAL DRAFT TO ENSURE THAT THE FORMATTING  
6 CHANGES HAVE BEEN ACCOMPLISHED.

7 CHAIRMAN PENNINGTON: ANY OTHER QUESTIONS?

8 BOARD MEMBER GOTCH: I HAVE A QUESTION.

9 MARTHA, PLEASE HELP ME WITH THE TABLE ON PAGE 207  
10 AND TELL ME IF IT SHOWS THE NUMERICAL THRESHOLDS OR  
11 THE PARAMETERS FOR THE POLLUTANT CATEGORIES.

12 MS. GILDART: UNDER THE AIR TOXIC HOT  
13 SPOTS THEY HAVE DEVELOPED PROCEDURES FOR  
14 CALCULATING SORT OF A SCREENING RISK MODEL WHERE  
15 THEY CAN DETERMINE IF YOU'RE GOING TO BE HIGH, LOW,  
16 OR MEDIUM RISK. AND WHAT THEY'VE DONE --

17 BOARD MEMBER GOTCH: SO YOU'RE INCLUDING  
18 THAT IN WITH THE SCORING, THEN, SHOWN AT THE  
19 BOTTOM?

20 MS. GILDART: YEAH. THAT SCORE AT THE  
21 BOTTOM WHEN IT'S LESS THAN ONE MEANS IT WOULD FALL  
22 INTO THE LOW RISK CATEGORY. ONE TO TEN IS THE  
23 MEDIUM RISK. AND THEY GO THROUGH THE CALCULATION  
24 PROCEDURE BASED ON ALL OF THE EMISSIONS AND THEN  
25 COMPARE IT FROM THEIR BASELINE, WHICH WAS IN 1995.

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1        THEN THEY DID THEIR COMPLIANCE TESTING TO GET THEIR  
2        ORIGINAL AIR QUALITY PERMIT, TO THE USE OF A  
3        14-PERCENT TIRE-DERIVED FUEL SUPPLEMENT.

4                        FOR THE CALCULATION PROCESS THEY GO  
5        THROUGH, THE RISK DECREASED. IT IS SORT OF  
6        INTERESTING TO NOTE THAT SOME SPECIFIC METALS  
7        WITHIN THAT CALCULATION CHANGED OR SHIFTED THEIR  
8        POSITION. SOME INCREASE, SOME DECREASE, SO THE  
9        CALCULATIONS INCREASE OR DECREASE. THEY ADD UP THE  
10       TOTAL, AND OVERALL FOR THE CARCINOGENIC EFFECTS,  
11       THERE WAS A DECREASE.

12                      THE NONCARCINOGENIC EFFECTS AND THE  
13        CHRONIC, WHICH IS LONG-TERM EXPOSURE TO USUALLY A  
14        LOWER EMISSION LEVEL, SHOW A SLIGHT INCREASE, BUT  
15        THEY'RE STILL WITHIN THAT INTERMEDIATE CATEGORY,  
16        WHICH IS A ONE TO TEN SCORE. THIS IS A UNIT LIST  
17        SORT OF SCORE. YOU KNOW, IT'S JUST A CALCULATED  
18        NUMBER TO RANK THEM ONE AGAINST THE OTHER. AND SO  
19        THERE IS A SLIGHT INCREASE IN RISK THERE, BUT IT  
20        DID NOT CHANGE THEIR RANKING.

21                      BOARD MEMBER GOTCH: I UNDERSTAND THAT. I  
22        WANTED TO SEE IF I WAS READING THIS CORRECTLY, THAT  
23        WAS WHERE THE INCLUSION WAS. THANKS.

24                      CHAIRMAN PENNINGTON: OKAY. ANY  
25        ADDITIONAL QUESTIONS OF STAFF? WE HAVE NO PUBLIC

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1 SPEAKERS ON THIS. SO --

2 BOARD MEMBER JONES: MAKE A MOTION THAT WE  
3 ADOPT RESOLUTION NO. 97-448.

4 BOARD MEMBER RELIS: SECOND.

5 MS. TRGOVCICH: WOULD YOU INCLUDE 447 IN  
6 THAT, OR DO YOU WANT TO TAKE THAT AS A SEPARATE  
7 ACTION? THERE ARE NOW TWO RESOLUTIONS THAT HAVE  
8 BEEN PROVIDED. RESOLUTION 97-448 IS THE RESOLUTION  
9 FOR THE CARNOT REPORT. RESOLUTION 97-478 IS THE  
10 RESOLUTION FOR THE DAMES & MOORE REPORT.

11 BOARD MEMBER JONES: AND 97-478

12 BOARD MEMBER RELIS: SECOND.

13 BOARD MEMBER CHESBRO: MR. CHAIRMAN, ONE  
14 ADDITIONAL COMMENT I'D LIKE TO MAKE BEFORE WE VOTE  
15 ON IT. THESE REPORTS COMPARE TIRE-DERIVED FUEL  
16 WITH OTHER TYPES OF FUELS FOR THEIR EMISSIONS  
17 CONTENT, BUT MY UNDERLYING CONCERN IS A MUCH MORE  
18 OBVIOUS COMPARISON AND DIFFICULT ONE THAT LEADS US  
19 TO THIS PLACE OF DEALING WITH TIRES AS FUEL. THAT  
20 IS, THE UNCONTROLLED BURNING OF TIRES WHICH, OF  
21 COURSE, EMIT LARGE QUANTITIES OF TOXINS INTO THE  
22 ENVIRONMENT.

23 AND I THINK IT'S IMPORTANT TO TAKE  
24 INTO ACCOUNT, WHEN WE'RE MOVING FORWARD WITH THIS  
25 THING, THAT WE'RE NOT JUST COMPARING THE TIRES TO

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1 THE FUEL IN A POWER PLANT, BUT ALSO WHAT HAPPENS  
2 WHEN A PILE OF TIRES GOES UP IN FLAMES AS WE'VE  
3 SEEN REPEATEDLY IN THIS STATE.

4 SO I CONTINUE TO HAVE SOME DISCOMFORT  
5 WITH -- CERTAINLY IF IT WAS IN MY NEIGHBORHOOD, I'D  
6 BE LOOKING AT THESE NUMBERS REAL CAREFULLY WITH THE  
7 IDEA OF BURNING TIRES IN THESE PLANTS, BUT I THINK  
8 WE HAVE TO KEEP THE OTHER ISSUE IN MIND AS TO WHY  
9 THE BOARD'S EVEN EXAMINING THIS AS A PRIORITY AND  
10 WHY THE LEGISLATURE HAS PUSHED US TO FIND  
11 ALTERNATIVES. SO I JUST WANTED TO SAY THAT ON THE  
12 RECORD.

13 CHAIRMAN PENNINGTON: WELL, I TOTALLY  
14 AGREE WITH YOU. WE DO HAVE TO KEEP THAT IN MIND.

15 BOARD MEMBER JONES: MR. CHAIRMAN.

16 CHAIRMAN PENNINGTON: MR. JONES.

17 BOARD MEMBER JONES: I APPRECIATE. BOARD  
18 MEMBER CHESBRO, THE POLICY COMMITTEE MEETING WHERE  
19 WE DEALT WITH THE POLICY OF WHY, WE ACTUALLY HAD A  
20 VIDEO THAT EXPLAINED THE ENVIRONMENTAL IMPACTS ON  
21 THAT. AND I'M HOPING THAT WHEN WE HAVE THE POLICY  
22 ITEM BACK, WE WILL AGAIN PUT THIS IN CONTEXT. THIS  
23 IS VERY IMPORTANT, AND I ABSOLUTELY AGREE WITH

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24 BOARD MEMBER CHESBRO AS TO KEEPING EVERYTHING IN  
25 CONTEXT, AND IT IS A TOUGH ONE, BUT IT BEATS THE  
108

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1       ALTERNATIVE.

2                   CHAIRMAN PENNINGTON:    OKAY.   IF THERE'S NO  
3       FURTHER DISCUSSION, WILL THE SECRETARY CALL THE  
4       ROLL.

5                   THE SECRETARY:   BOARD MEMBER CHESBRO.

6                   BOARD MEMBER CHESBRO:   AYE.

7                   THE SECRETARY:   GOTCH.

8                   BOARD MEMBER GOTCH:   AYE.

9                   THE SECRETARY:   JONES.

10                  BOARD MEMBER JONES:   AYE.

11                  THE SECRETARY:   RELIS.

12                  BOARD MEMBER RELIS:   AYE.

13                  THE SECRETARY:   CHAIRMAN PENNINGTON.

14                  CHAIRMAN PENNINGTON:   AYE.   MOTION  
15       CARRIES.

16                   MOVE TO ITEM 36, WHICH -- MS.  
17       TRGOVCICH AND MR. CALVIN YOUNG WILL PRESENT AND  
18       WE'LL HAVE A DISCUSSION ON.

19                   MS. TRGOVCICH:   VERY BRIEFLY, MR. CHAIRMAN  
20       AND MEMBERS, WE WILL PROVIDE A VERY BRIEF BACK-  
21       GROUND.   AS I UNDERSTAND IT, YOU ARE LOOKING TO  
22       ACCEPT SOME TESTIMONY ON THIS ITEM TODAY TO HAVE  
A  
23       DISCUSSION, AND THAT WE WILL LIKELY BE SEEING  
THIS

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24        ITEM BACK IN THE COMING MONTH OF OCTOBER, SO WE  
25        WILL BE BRIEF.



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1                   CHAIRMAN PENNINGTON: I WOULD LIKE TO  
2           POINT OUT TOO THAT WHILE WE WERE LOOKING AT THIS  
3           LATE YESTERDAY AFTERNOON, WE THOUGHT THAT IT WAS  
4           PULLED, AND THEN THIS MORNING WE HAD FURTHER  
5           DISCUSSIONS AND WANTED TO HAVE SOME PRESENTATION  
6           TODAY. BUT THAT THE PEOPLE FROM CDLAC, WHO HAD  
7           ORIGINALLY PLANNED TO COME, DECIDED NOT TO COME,  
8           AND SO THEY'RE NOT HERE TODAY, SO WE NEED TO BRING  
9           IT UP AGAIN.

10                   MS. TRGOVCICH: CALVIN ALSO THANKS YOU  
11           BECAUSE NOW HE DOESN'T HAVE TO EXPLAIN WHY HE'S IN  
12           JEANS.

13                               THE CALIFORNIA DEBT LIMIT ALLOCATION  
14           COMMITTEE OPENED UP A PROCESS BY WHICH IT BEGAN  
15           CONSIDERING INPUT INTO ITS ALLOCATION PROCEDURES  
16           FOR CALENDAR YEAR 1998. AS YOU'RE WELL AWARE, THE  
17           CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE IS THE  
18           BODY ORDAINED BY GOVERNOR WILSON TO BE THE ENTITY  
19           THAT SAYS HOW MUCH BOND FUNDING WILL BE MADE  
20           AVAILABLE IN VARIOUS CATEGORIES.

21                               ONE OF THE CATEGORIES THAT HAS  
22           CERTAINLY BEEN OF INTEREST TO THE BOARD HAS BEEN  
23           THE AREA OF PRIVATE ACTIVITY BONDS AS IT RELATES TO  
24           POLLUTION CONTROL EFFORTS, POLLUTION CONTROL  
25           PROJECTS, AND OTHER VARIOUS CATEGORIES WITHIN THAT.

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1                   WE DISCUSSED THIS WITH SEVERAL MEMBER  
2       OFFICES AND ADVISORS, AND WE LOOKED AT SEVERAL  
3       OPTIONS. ONE OPTION WAS FOR US TO PROVIDE CDLAC  
4       WITH COMMENTS AT THE STAFF LEVEL, LOOKING AT THE  
5       ALLOCATION PROCESS TO BE ABLE TO MAINTAIN A LEVEL  
6       OF FUNDING CONSISTENT WITH PRIOR YEARS FOR  
7       POLLUTION CONTROL PROJECTS.

8                   ANOTHER OPTION WAS TO BRING THIS ITEM  
9       BEFORE THE BOARD FOR THE BOARD ITSELF TO LOOK AT  
10      THE TYPE AND SCOPE OF COMMENTS THAT IT WISHED TO  
11      PROVIDE TO THE DEBT LIMIT ALLOCATION COMMITTEE, AND  
12      IT WAS DECIDED TO BRING THIS ITEM TO THE BOARD  
13      SINCE THERE ARE MANY DIFFERENT INFLUENCES AND  
14      INTERESTS IN THIS PROCESS, AND WE WANTED TO MAKE  
15      SURE THAT THE COMMENTS INCORPORATED THOSE, AND THUS  
16      THE ITEM ON YOUR AGENDA.

17                  CALVIN WILL BE BRIEFLY DESCRIBING THE  
18      PROCESS FOR YOU AND THE SCOPE OF THE COMMENTS AS  
19      THEY CURRENTLY ARE.

20                  MR. YOUNG: SURE. OKAY. THIS IS CALVIN  
21      YOUNG WITH THE LOAN PROGRAM. AND AGAIN, THANK YOU  
22      FOR THE EXPLANATION REGARDING MY ATTIRE TODAY.  
23      DIDN'T EVEN GET TO WEAR THE CHAIRMAN'S TIE TODAY.

24                  ANYWAY, WHAT YOU HAVE BEFORE YOU  
25      AGAIN IS THE ITEM THAT BRIEFLY DISCUSSES A LITTLE

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1 BIT OF THE BACKGROUND ON THE PROCESS FOR THE  
2 DETERMINATION OF THE STATE'S CEILING ON TAX EXEMPT  
3 OR TAX EXEMPT BONDS.

4 CURRENTLY FOR 1997 IT'S APPROXIMATELY  
5 \$1.59 BILLION, BILLION SIX FOR ROUND NUMBERS.  
6 THOSE MONIES ARE ALLOCATED BETWEEN A VARIETY OF  
7 CATEGORIES. SOMETIMES THEY'RE BROKEN INTO FOUR  
8 MAJOR CATEGORIES; SOMETIMES THEY'RE BROKEN INTO  
9 TWO; SOMETIMES IT DEPENDS ON WHO YOU SPEAK TO.  
10 ESSENTIALLY IT'S INTO HOUSING AND NONHOUSING. THE  
11 NONHOUSING IS WHAT WE'RE PRIMARILY CONCERNED WITH  
12 WITH OUR ACTIVITIES HERE.

13 IN THE NONHOUSING SIDE, IT'S FURTHER  
14 BROKEN DOWN INTO INDUSTRIAL DEVELOPMENT, EXEMPT  
15 FACILITIES, WHICH WOULD BE THE MATERIAL RECOVERY  
16 FACILITIES AND THINGS OF THAT NATURE, AND STUDENT  
17 LOANS.

18 FOR 1997, JUST TO KIND OF GIVE YOU A  
19 FLAVOR FOR HOW MONIES ARE ALLOCATED -- ACTUALLY LET  
20 ME GIVE YOU KIND OF A RUNNING START, IF I MAY. THE  
21 LAST COUPLE OF YEARS FOR '95 AND 6 FOR THE EXEMPT  
22 FACILITIES, THEY'VE BEEN RUNNING AT APPROXIMATELY  
23 12 PERCENT AND 7 PERCENT FOR '95 AND 6 RESPECTIVELY

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24        OF THE TOTAL ALLOCATION OR AVAILABLE DEBT CEILING.

25                        FOR CURRENT YEAR, FOR 1997, THAT

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1       AMOUNT FOR THE EXEMPT FACILITIES IS APPROXIMATELY 6  
2       PERCENT OR \$103,000.  THERE'S STILL ANOTHER  
3       \$29,000 -- \$29 MILLION -- PARDON ME.  WHAT'S A FEW  
4       ZEROS? -- THAT'S NOT BEEN ALLOCATED YET.

5                   ON THE INDUSTRIAL DEVELOPMENT BONDS,  
6       WHICH WOULD RELATE TO THOSE FACILITIES THAT TAKE  
7       AND PRODUCE PRODUCTS FROM RECYCLED OR RECOVERED  
8       MATERIALS, THOSE HAVE BEEN RUNNING FOR '95 AND 6,  
9       THEY WERE RUNNING AT 7 PERCENT AND 5 PERCENT  
10      RESPECTIVELY, AND FOR CURRENT YEAR THE ALLOCATION  
11      IS RUNNING AT APPROXIMATELY 10 PERCENT.

12                   WHAT WE'RE LOOKING TO DO IS, AGAIN,  
13      HAVE SOME COMMENTS OFFICIALLY FROM THE BOARD TO GO  
14      FORWARD TO THE DEBT LIMIT ALLOCATION COMMITTEE  
15      EXPRESSING OUR DESIRE AND CONCERN THAT AN  
16      APPROPRIATE BALANCE BE MAINTAINED BETWEEN THE  
17      COMPETING INTERESTS FOR THESE TAX EXEMPT MONIES.

18                   CURRENTLY THE -- IT APPEARS THAT THE  
19      BALANCE WILL BE MAINTAINED.  THERE'S ALWAYS SOME  
20      DISCUSSION.  THERE'S DIFFERENT INTEREST GROUPS THAT  
21      WANT DIFFERENT OPINIONS.  THE ALLOCATION PROCESS  
22      FOR '98, THEY'RE CURRENTLY TAKING COMMENTS ON  
23      THAT.  THERE'S ACTUALLY CONFLICTING INFORMATION IN  
24      THE INFORMATION THAT I'VE BEEN PROVIDED AS FAR AS  
25      THE ENDING PERIOD DATE FOR THE COMMENTS.  ONE DATE

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1       IS OCTOBER 31ST; THE OTHER, WHICH I BELIEVE TO BE A  
2       MORE ACCURATE DATE, IS NOVEMBER 12TH, THE ENDING  
3       PERIOD FOR COMMENTS. IT WILL THEN AGAIN BE  
4       DISCUSSED AT THE NOVEMBER 19TH CDLAC MEETING HERE  
5       IN SACRAMENTO.

6                       THAT'S ESSENTIALLY IT. WE'RE JUST  
7       LOOKING TO GO ON THE RECORD WITH SOME OFFICIAL  
8       POSITION FROM THE BOARD WITH RESPECTS TO SUPPORTING  
9       THE APPROPRIATE BALANCE OF ALLOCATION FOR  
10      INDUSTRIAL DEVELOPMENT BONDS AS WELL AS EXEMPT  
11      FACILITIES, WHICH WOULD INCLUDE THE SOLID WASTE  
12      MANAGEMENT ACTIVITIES.

13                    MS. TRGOVCICH: MAYBE JUST TO BRIEFLY JUST  
14      POINT OUT TO YOU THAT AT THE MEETING THAT CDLAC  
15      HELD ON SEPTEMBER 24TH HERE IN SACRAMENTO, THIS WAS  
16      AN ITEM ON THEIR SEPTEMBER 24TH AGENDA. ALTHOUGH I  
17      UNDERSTAND IT WAS AN EXTREMELY QUICK MEETING, NOT  
18      REALLY DISCUSSED, BUT THERE WAS A LARGE PACKET OF  
19      INFORMATION THAT WAS PROVIDED.

20                    AND UNDER THE EXEMPT FACILITY  
21      PROJECTS CATEGORY, THEY HAVE MODIFIED THE LANGUAGE  
22      IN THAT AREA ALREADY TO INCLUDE PROJECTS WHICH  
23      DISPOSE OF SOLID WASTE AS WELL AS THE DEGREE TO

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24 WHICH A PROJECT HELPS ACHIEVE THE RECYCLING MARKET  
25 DEVELOPMENT AND SOLID WASTE MANAGEMENT POLICY GOALS

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1 OF AB 939.

2 SO THEY'RE ALREADY LOOKING AND MAKING  
3 SOME CHANGES BASED UPON INCOMING COMMENT.

4 CHAIRMAN PENNINGTON: OKAY. WE HAVE TWO  
5 PEOPLE IN THE AUDIENCE THAT WISH TO ADDRESS THIS.  
6 DENISE DELMATIER.

7 MS. DELMATIER: THANK YOU, MR. CHAIRMAN,  
8 MEMBERS OF THE BOARD. DENISE DELMATIER OF THE  
9 GUALCO GROUP ON BEHALF OF NORCAL WASTE SYSTEMS. WE  
10 WOULD ENCOURAGE THE BOARD TO ADOPT A FORMAL  
11 RECOMMENDATION TO THE MEMBERS OF CDLAC, ADVISING  
12 AND RECOMMENDING RETENTION OF THE BALANCE THAT THEY  
13 HAVE TO DATE TRIED TO GO FORWARD WITH, ALTHOUGH, AS  
14 STAFF MENTIONED, THERE ARE TREMENDOUS PRESSURES  
15 BEING PUT UPON MEMBERS OF CDLAC TO REVISE THAT  
16 EQUITABLE BALANCE FOR PROVIDING THESE FUNDING  
17 MECHANISMS FOR THE SOLID WASTE MANAGEMENT  
18 ACTIVITIES.

19 AS WE WELL KNOW, THE PRESSURES THAT  
20 PRIVATE COMPANIES AND PUBLIC ENTITIES ARE  
21 ENCUMBERING AS FAR AS MEETING THE 939 DIVERSION  
22 GOALS FOR THE 2000 DEADLINE IS INCREASING. AND  
23 THOSE PRESSURES ARE OBVIOUSLY BEING DEALT WITH IN

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24 THE LEGISLATURE AS WELL AS HERE AT THE BOARD. TO

25 RETAIN THOSE FUNDING MECHANISMS WOULD CERTAINLY

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1 ALLEVIATE SOME OF THOSE PRESSURES. AS WE MOVE  
2 FORWARD TO MEETING THE 50-PERCENT GOAL, THAT  
3 FINANCIAL PRESSURES ARE GOING TO CONTINUE TO MOUNT.  
4 SO WE WOULD STRONGLY ENCOURAGE THE BOARD TO ENTER  
5 INTO THE FRAY AND EXPRESS ITS SUPPORT FOR RETENTION  
6 OF THE BALANCE.

7 CHAIRMAN PENNINGTON: THANK YOU. ANY  
8 QUESTIONS OF DENISE?

9 BOARD MEMBER JONES: JUST ONE COMMENT. I  
10 APPRECIATE THE ORANGE AND BLACK TODAY. I THINK  
11 THAT THAT'S GOOD. I LIKE TO SEE THAT.

12 MS. DELMATIER: I'M KEEPING VERY MINDFUL  
13 OF THE CLOCK AND TRYING TO KEEP MY COMMENTS SHORT.

14 CHAIRMAN PENNINGTON: NEXT WE HAVE EVAN  
15 EDGAR.

16 MR. EDGAR: THANK YOU, CHAIRMAN AND BOARD  
17 MEMBERS. MY NAME IS EVAN EDGAR REPRESENTING THE  
18 CALIFORNIA REFUSE REMOVAL COUNCIL TODAY.

19 COMMEND THE WASTE BOARD FOR  
20 ADDRESSING THIS ISSUE. VERY IMPORTANT ISSUE TO THE  
21 CRRC AND OUR MEMBER COMPANIES. THIS ISSUE IS  
22 DIRECTLY RELATED TO ONE OF THE CORE INITIATIVES PUT  
23 FORTH BY THE WASTE BOARD DURING THE 50-PERCENT  
24 INITIATIVE WORKSHOPS ABOUT GETTING COST-EFFECTIVE  
25 RECYCLING. AND I BELIEVE THAT CDLAC FUNDING

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1        THROUGH THE CALIFORNIA POLLUTION CONTROL FINANCING  
2        AUTHORITY IS ONE OF THE MOST COST-EFFECTIVE  
3        RECYCLING SOLUTIONS OUT THERE TO GET TO THE  
4        50-PERCENT MANDATE.

5                THESE TAX EXEMPT BONDS BY CPCFA CARRY  
6        LOWER INTEREST RATE; AND WITH THAT, WE ARE ABLE TO  
7        GET SMALLER PROJECTS ON-LINE, AND THIS LOWER  
8        INTEREST RATE CAN MAKE OR BREAK A PROJECT. SO OVER  
9        THE LAST FEW YEARS MANY CRRC MEMBER COMPANIES HAVE  
10       UTILIZED THIS FINANCING IN ORDER TO BUILD MRF'S TO  
11       GET THE 25 AND 50 PERCENT, WITH THE AVERAGE LOAN  
12       BEING ABOUT 15 PERCENT. SO IT'S VERY CRITICAL THAT  
13       WE RETAIN THE BALANCE WITHIN THE CDLAC ALLOCATION  
14       IN ORDER FOR US TO DEVELOP THE MRF'S TO GET TO THE  
15       50-PERCENT GOAL.

16               OVER THE YEARS CDLAC ALLOCATION HAS  
17       RANGED FROM A LOW OF 7 TO 12 PERCENT, EVEN AS HIGH  
18       AS 41 PERCENT ONE YEAR AMONG THE EXEMPT FACILITIES.  
19       MRF'S ARE ONLY ONE TYPE OF EXEMPT FACILITIES OUT OF  
20       THE MANY TYPE OF EXEMPT FACILITIES, SO WE HAVE TO  
21       COMPETE FOR THAT EVERY DAY. AND WE BELIEVE THAT  
22       ALLOCATION LIMIT, ARBITRARY NUMBER, SUCH AS USED IN  
23       LEGISLATION LAST YEAR IN AB 1383 BY ARONER, LIKE  
24       SAY 10 PERCENT, WAS TOO LOW. I BELIEVE THAT OUT OF  
25       THE \$1.57 BILLION THAT IS ALLOCATED EACH YEAR AT 10

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1       PERCENT ONLY ALLOTS 157 MILLION. WE NEED THAT  
2       MONEY FOR THE MRF DEVELOPMENT.

3                   AS YOU MAY RECALL, AB 1383 WAS  
4       OPPOSED BY THE WASTE BOARD, AND WE APPRECIATE YOUR  
5       SUPPORT ON THAT BECAUSE WE DON'T FEEL THERE'S THE  
6       ARBITRARY LIMIT. WE BELIEVE THAT EXEMPT FACILITIES  
7       NEED A HIGHER PRIORITY THAN WHAT HAS BEEN GIVEN IN  
8       THE PAST. WE NEED THIS FINANCING IN ORDER TO GET  
9       TO OUR -- GET TO THE 50 PERCENT.

10                   SO ON BEHALF OF CRRC AND THE MEMBER  
11       COMPANIES, WE APPRECIATE THE DISCUSSION TODAY.  
12       VERY CRITICAL TO HAVE THIS DISCUSSION, AND WE ENJOY  
13       YOUR COMMENTS TO CDLAC. AND HOPEFULLY THAT WILL BE  
14       ABLE TO HAVE A HIGHER PRIORITY FOR EXEMPT  
15       FACILITIES THAN THEY HAVE IN THEIR CURRENT PROPOSED  
16       POLICY, WHICH IS ON THE LAST PAGE OF THE  
17       DISCUSSION. THANK YOU.

18                   CHAIRMAN PENNINGTON: ANY QUESTIONS OF  
19       EVAN EDGAR? THANK YOU. FINALLY MARK LEARY.

20                   MR. LEARY: MR. CHAIRMAN, MEMBERS OF THE  
21       BOARD, MY NAME IS MARK LEARY REPRESENTING  
22       BROWNING-FERRIS INDUSTRIES.

23                   I TOTALLY CONCUR WITH WHAT'S BEEN

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24 SAID ALREADY BY DENISE AND BY EVAN. BFI

25 WHOLEHEARTEDLY APPLAUDS THE BOARD GETTING INVOLVED

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1       AND WEIGHING IN WITH COMMENTS ON THE DEBT LIMIT  
2       ALLOCATION COMMITTEE OPPORTUNITY TO SET NEXT YEAR'S  
3       ALLOCATION.

4                       BFI HAS BEEN VERY INVOLVED WITH CDLAC  
5       OVER THE LAST TWO YEARS. IN FACT, WE'VE BEEN THE  
6       RECIPIENT OF TAX EXEMPT FINANCING OVER THE LAST TWO  
7       YEARS AND WOULD LIKE TO VOLUNTEER OUR EFFORTS TO  
8       WORK WITH THE BOARD STAFF IN MAKING THE RESOLUTION  
9       FOR NEXT MONTH'S CONSIDERATION AS PRECISE AND AS  
10      MEANINGFUL AS WE CAN TO THE CALIFORNIA DEBT LIMIT  
11      ALLOCATION COMMITTEE.

12                      WE'D LIKE TO AT LEAST AT THIS POINT  
13      ENTERTAIN ONE ADDITIONAL OPTION. THE BOARD MAY  
14      WANT TO CONSIDER WEIGHING IN IN SUPPORT OF  
15      CONGRESSIONAL CHANGE TO THE CAP SET AT \$50 PER  
16      CAPITA FOR THE ALLOCATION THAT CREATES THE 1.5  
17      BILLION THAT CALIFORNIA DEALS WITH. THE STATE  
18      TREASURER'S OFFICE AND, I BELIEVE, THE GOVERNOR IS  
19      IN SUPPORT OF A REASSESSMENT OF THAT \$50 PER  
CAPITA

20      DEBT LIMIT ALLOCATION LIMIT THAT CONGRESS HAS SET.  
21      AND MAYBE THE BOARD WOULD LIKE TO WEIGH IN IN  
22      SUPPORT OF A REASSESSMENT OR A MOVEMENT BY

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CONGRESS

23 TO UP THAT \$50 TO A LARGER FIGURE.

24 BOARD MEMBER GOTCH: ARE YOU TALKING

25 HR 979?

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1 MR. LEARY: YES.

2 CHAIRMAN PENNINGTON: WHAT'S THAT NUMBER  
3 AGAIN? HR WHAT?

4 BOARD MEMBER GOTCH: 979, TWO-YEAR BILL.

5 BOARD MEMBER CHESBRO: YOU'RE SUGGESTING  
6 IN ADDITION TO WEIGHING --

7 MR. LEARY: IN SUPPORT OF THE STATE'S DEBT  
8 LIMIT ALLOCATION, THAT WE WEIGH IN IN SUPPORT OF  
9 CONGRESSIONAL ACTION THAT CHANGES THE \$50 LIMIT AND  
10 MAKES MORE MONEY FOR ALL OF US, INCLUDING HOUSING,  
11 TO DIVVY UP IN THE FUTURE YEARS. THANK YOU VERY  
12 MUCH.

13 CHAIRMAN PENNINGTON: ANY QUESTIONS OF MR.  
14 LEARY? DENISE.

15 MS. DELMATIER: THANK YOU. DENISE  
16 DELMATIER ON BEHALF OF NORCAL WASTE SYSTEMS. MR.  
17 LEARY REMINDED ME OF THE PENDING LEGISLATION, AND I  
18 MIGHT MAKE MENTION THAT NORCAL HAS TAKEN A FORMAL  
19 POSITION IN SUPPORT OF HR 979.

20 BOARD MEMBER CHESBRO: MR. CHAIRMAN, THE  
21 ONLY OTHER QUESTION I HAVE IS I UNDERSTOOD IT  
22 DIDN'T GO TO COMMITTEE THIS MONTH BECAUSE THERE WAS  
23 SOME URGENCY, BUT SINCE IT'S GOING TO BE ON THE  
24 BOARD AGENDA NEXT MONTH, IS THERE ANY REASON WE  
25 WOULDN'T HAVE A DISCUSSION OF IT AT MARKETS

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1 COMMITTEE?

2 CHAIRMAN PENNINGTON: ONLY BECAUSE WE  
3 CAN'T AGENDIZE IT.

4 BOARD MEMBER CHESBRO: IS IT TOO LATE TO  
5 DO THAT?

6 MS. TRGOVCICH: IT WAS ORIGINALLY PLACED  
7 ON THE BOARD'S AGENDA BECAUSE THE INITIAL DOCUMENT  
8 THAT CAME OUT FROM CDLAC MENTIONED AN OCTOBER 15TH  
9 DEADLINE FOR COMMENT.

10 BOARD MEMBER CHESBRO: AND YOU CAN'T  
11 NOTICE INDIVIDUALLY BECAUSE THE AGENDA HAS GONE OUT  
12 OR BECAUSE THE DEADLINE HAS PASSED?

13 MS. TRGOVCICH: THE AGENDAS HAVE ALREADY  
14 BEEN DISTRIBUTED, HAVE ALREADY GONE OUT.

15 BOARD MEMBER CHESBRO: BUT THE DEADLINE  
16 FOR AMENDING THE AGENDA.

17 MS. TRGOVCICH: THE DATE OF MARKETS  
18 COMMITTEE IS OCTOBER 8TH. IT'S PASSED.

19 BOARD MEMBER GOTCH: CALVIN, WHAT ABOUT  
20 THE ACTUAL MATERIALS SENT OUT BY CDLAC FOR COMMENT?  
21 SHOULDN'T WE MAKE SOME SORT OF SPECIFIC REFERENCES  
22 OR COMMENTS IN THE DOCUMENT?

23 MR. YOUNG: CORRECT. AT THE TIME THE

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24        AGENDA ITEM WAS PREPARED, WE DIDN'T HAVE ACCESS TO  
25        THE SPECIFIC ITEMS. WE NOW DO AND CAN ADDRESS THAT  
         121



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1 SPECIFIC LANGUAGE IN THE ITEM COMING UP FOR  
2 CONSIDERATION THE END OF OR THE 22D OF OCTOBER NOW.

3 BOARD MEMBER GOTCH: BETWEEN NOW AND THEN  
4 THE BOARD MEMBERS WILL GET A CHANCE TO SEE THAT  
5 ALSO.

6 MR. YOUNG: CORRECT.

7 BOARD MEMBER GOTCH: FINALLY, GIVEN THE  
8 EXEMPT FACILITY DOLLARS NEEDS FOR THE FUNDING  
9 SOURCE, PARTICULARLY SINCE WE'RE REACHING AND  
10 APPROACHING THE YEAR 2000 AND THE BOARD'S  
11 COMMITMENT TO THE AB 939 GOALS, THIS LETTER SHOULD  
12 NOT BE OUR SOLE PARTICIPATION IN THIS CDLAC  
13 PROCESS. IN THE INTERVENING MONTHS AND THEREAFTER,  
14 I WOULD SUGGEST THAT WE FOLLOW THIS ISSUE, REQUEST  
15 STAFF TO ATTEND THEIR MEETINGS, HAVE A STANDING  
16 UPDATE IN THE ADMIN COMMITTEE ON THE CDLAC PROCESS,  
17 AND REPORT BACK TO THE COMMITTEE.

18 ALSO, TWO OTHER REQUESTS. I'M SORRY.  
19 YOU DID ADDRESS HR 979, BUT I'D ALSO LIKE TO KNOW  
20 WHAT THEIR POSITION WAS ON THE ARONER BILL, WHICH  
21 WAS AB 1383, FOR NEXT MONTH. AND THANKS VERY MUCH.

22 MR. YOUNG: THANK YOU.

23 CHAIRMAN PENNINGTON: OKAY. IS THERE ANY  
24 OTHER DISCUSSION ON THAT?

25 BOARD MEMBER RELIS: JUST, YOU KNOW, I

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1        WOULD HAVE BEEN PREPARED TO ACT TODAY. I  
2        UNDERSTAND WE'VE GOT A LITTLE REFINEMENT TO DO, SO  
3        I APPRECIATE THAT. I DO ECHO THE VIEW THAT WE  
4        SHOULD BE AGGRESSIVE ON THIS ON ALL FRONTS. THIS  
5        IS A CRITICAL PIECE OF 939 IMPLEMENTATION, THE  
6        FINANCING. AND SO I THINK WE HAVE TO BE INVOLVED  
7        IN MANY WAYS AS WAS PREVIOUSLY STATED.

8                BOARD MEMBER JONES: MR. CHAIRMAN.

9                CHAIRMAN PENNINGTON: CERTAINLY, MR.  
10        JONES.

11                BOARD MEMBER JONES: I DON'T WANT TO DRAG  
12        THIS ON ANYMORE, BUT I DIDN'T HEAR ANYBODY TALK  
13        ABOUT IT. I JUST WANTED TO SAY THAT CPCFA  
14        FINANCING COULD IN A LOT OF AREAS THROUGHOUT THE  
15        STATE ARE THE DIFFERENCE BETWEEN PROJECTS GOING OR  
16        NOTHING AT ALL. I MEAN IT IS THAT CLEAR. AND I  
17        THINK IT'S GOOD WHAT WE'RE DOING. I THINK THAT I  
18        TOO WAS READY TO VOTE TODAY TO ENDORSE.

19                I ACTUALLY OFFERED SOME OTHER  
20        LANGUAGE IN THE FORM OF A SUBSTITUTE THAT DEALT  
21        WITH THE HEALTH AND SAFETY ISSUES BECAUSE UNDER  
22        SUBTITLE D WHERE WE DON'T HAVE LANDFILLS IN EVERY  
23        COUNTY AND WE DON'T HAVE FACILITIES IN EVERY  
24        COUNTY, THAT INFRASTRUCTURE HAS TO BE BUILT. IF  
25        THESE FUNDS AREN'T AVAILABLE, IT DOES NOT GET

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BUILT

123

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1       WHETHER IT'S A LANDFILL, TRANSFER STATION,  
2       RECYCLING CENTER, OR MRF, WHATEVER YOU WANT. IF  
3       THESE FUNDS AREN'T HERE, IT'S NOT -- IF IT'S NOT  
4       AVAILABLE, IT DOESN'T WORK. AND THEN WE CREATE A  
5       HEALTH AND SAFETY ISSUE.

6                       AND I THINK IT'S IMPORTANT, AND I'M  
7       GLAD AND I'M PROUD TO BE ON THIS BOARD THAT  
8       UNDERSTANDS JUST HOW CRITICAL THIS IS TO THE  
9       DEVELOPMENT OF THE INFRASTRUCTURE. AND THE  
SOONER

10       WE GET IT BACK, THE HAPPIER I'M GOING TO BE  
AS LONG

11       AS IT'S SMITHED THE RIGHT WAY AND WE CAN GO  
12       FORWARD. SO THANK YOU.

13                       CHAIRMAN PENNINGTON: THANK YOU,  
MR.

14       JONES. OKAY.

15                       WE HAVE ITEM 37, WHICH IS THE  
LAST

16       ITEM. UNLESS BOARD MEMBERS HAVE SOME  
PRESSING

17       LUNCH PLANS, I'D LIKE TO GO AHEAD AND TAKE  
THIS UP

18       AND THEN WE CAN ADJOURN. IS THAT ACCEPTABLE  
TO THE

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19 BOARD? DO YOU WANT TO BREAK AND COME BACK?

20 BOARD MEMBER CHESBRO: WE HAVE TO  
COME

21 BACK FOR CLOSED SESSION, DON'T WE?

22 CHAIRMAN PENNINGTON: WE HAVE TO  
COME BACK

23 FOR CLOSED SESSION.

24 BOARD MEMBER CHESBRO: I INTEND TO  
DISCUSS

25 THIS WITH STAFF, SO WE COULD BE HERE FOR A  
WHILE.

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1 I DON'T KNOW ABOUT THE OTHER BOARD MEMBERS.

2 CHAIRMAN PENNINGTON: WE HAVE FIVE  
3 PEOPLE --

4 BOARD MEMBER CHESBRO: THERE ARE PEOPLE  
5 WHO CAME TO ADDRESS IT?

6 CHAIRMAN PENNINGTON: WE HAVE SIX PEOPLE  
7 WHO CAME TO ADDRESS IT.

8 BOARD MEMBER CHESBRO: WELL, LET'S PROCEED  
9 THEN.

10 CHAIRMAN PENNINGTON: WE'RE GOING TO TAKE  
11 A COUPLE MINUTES HERE FOR THE PAPER CHANGE AND  
12 OTHER SUCH THINGS.

13 (RECESS TAKEN.)

14 CHAIRMAN PENNINGTON: COME BACK INTO  
15 ORDER, PLEASE, AND WE WILL TAKE UP ITEM NO. 37,  
16 WHICH IS INFORMATION ON AND DISCUSSION OF TITLE 27  
17 SOLID WASTE FACILITY PERMITTING PROCESS. DOROTHY  
18 RICE, DON DIER.

19 MS. RICE: THANK YOU, MR. CHAIRMAN AND  
20 MEMBERS. AS YOU KNOW FROM YOUR AGENDA, THIS IS AN  
21 INFORMATIONAL AND DISCUSSION ITEM AND A FOLLOW-UP  
22 TO THE ITEM DISCUSSED AT THE AUGUST BOARD MEETING  
23 IN MARTINEZ AND ALSO AT THE JULY AND AUGUST  
24 PERMITTING AND ENFORCEMENT COMMITTEE MEETINGS.

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25

STAFF TODAY, MYSELF AND DON IN THE  
125



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1        GUISE OF STAFF, WILL MORE CLEARLY SEEK TO DESCRIBE  
2        THE STATUTORY AND REGULATORY BASIS FOR THE CHANGES  
3        WE ARE PROPOSING IN THE BOARD'S PERMIT REVIEW  
4        PROCESS AT THIS TIME. THAT SEEMED TO BE THE FOCUS  
5        OF THE MARTINEZ, THAT PERHAPS WE HAD NOT PROVIDED  
6        ADEQUATE CLARITY ON HOW WE GOT TO WHERE WE WERE  
7        LAST MONTH AND NOW AGAIN TODAY.

8                        WE WILL ALSO SEEK TO MORE CLEARLY  
9        DESCRIBE WHAT THOSE PROPOSED CHANGES IN THE PERMIT  
10       REVIEW PROCESS ARE BECAUSE THEY AREN'T, WHEN YOU  
11       LOOK AT IT, ALL THAT SIGNIFICANT.

12                      FIRST, A BRIEF REVIEW OF STATUTORILY  
13       AND REGULATORILY HOW WE GOT HERE. AND I'LL START  
14       WITH JUST A REAL BRIEF CHRONOLOGY FOR BOARD MEMBERS  
15       WHO WERE NOT HERE AT THE TIME. AB 1220 WAS ENACTED  
16       IN OCTOBER OF 1993 VIRTUALLY FOUR YEARS AGO. IT  
17       WAS SPONSORED BY THIS BOARD AND THE STATE WATER  
18       RESOURCES CONTROL BOARD, AND IT IMPLEMENTED MANY OF  
19       THE RECOMMENDATIONS OF A JOINT REPORT WHICH WAS  
20       SUBMITTED TO THE LEGISLATURE BY THE TWO BOARDS,  
21       OURSELVES AND THE STATE WATER BOARD.

22                      THE JOINT REPORT, AS ONE OF ITS  
23       FINDINGS, IDENTIFIED OVERLAP AND DUPLICATION  
24       BETWEEN THIS BOARD AND THE LEA'S AS A SIGNIFICANT  
25       ISSUE. OF COURSE, THAT WASN'T THE ONLY ISSUE IN

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1 THE REPORT.

2 THE TITLE 27 REGULATIONS TO IMPLEMENT  
3 AB 1220 WERE ADOPTED BY THE TWO BOARDS, AS YOU  
4 RECALL, IN A JOINT MEETING THIS PAST JANUARY,  
5 JANUARY OF 1997, SUBMITTED TO OAL IN JUNE, AND  
6 BECAME EFFECTIVE JULY 18TH OF THIS YEAR.

7 THE REGULATIONS CLEARLY TOOK A LONG,  
8 LONG TIME TO DEVELOP. THE STATUTE TOOK EFFECT FOUR  
9 YEARS AGO. THE REGULATIONS WERE JUST ADOPTED A FEW  
10 MONTHS AGO. ONE REASON FOR THAT DELAY, THAT TIME,  
11 WAS THE DIFFICULTY STAFF AND INTERESTED PARTIES  
12 ENCOUNTERED IN TRYING TO ADDRESS WITH WORDS THE  
13 OVERLAP CONFLICT AND DUPLICATION BETWEEN THE  
14 FUNCTIONS OF THIS BOARD AND OTHER STATE AND LOCAL  
15 AGENCIES, MOST NOTABLY THE STATE WATER BOARD AND  
16 THE REGIONAL BOARDS AND THE LEA'S AND THIS BOARD.  
17 SO THOSE WERE SOME OF THE KEY ISSUES THAT MADE THAT  
18 RULEMAKING TAKE FOUR YEARS.

19 TODAY'S INFORMATIONAL ITEM FOCUSES  
20 SOLELY ON CHANGES IN THE BOARD'S REVIEW PROCESS OF  
21 PERMITS SUBMITTED BY LEA'S. WE WILL NOT GO INTO  
22 OTHER ASPECTS OF AB 1220 IMPLEMENTATION, SUCH AS  
23 THE RESPECTIVE ROLES OF THIS BOARD AND THE STATE

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24        WATER RESOURCES CONTROL BOARD AND THE REGIONAL  
25        BOARDS .

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1                   THE ITEM BEFORE YOU SEEKS PRIMARILY  
2           TO LAY OUT SOME OF THE STATUTORY AND REGULATORY  
3           FRAMEWORK FOR OUR DISCUSSION TODAY, AND I'LL REFER  
4           TO PAGES OF THAT IN PROVIDING THAT BACKGROUND.

5                   FIRST OF ALL, ON PAGE 3 OF YOUR  
6           AGENDA ITEM, A FEW PROVISIONS OF THE PUBLIC  
7           RESOURCES CODE ARE HIGHLIGHTED FOR YOUR REVIEW  
8           TODAY, KIND OF MIDPAGE THERE, SPECIFICALLY PUBLIC  
9           RESOURCES CODE SECTION 43101 SUBDIVISION B AND  
10          43101 SUBDIVISION C, PARAGRAPH 8. I'LL JUST READ  
11          THOSE BRIEFLY AS THEY CONTAIN THE MOST CLEAR  
12          STATUTORY DIRECTION CONCERNING THE SHIFT, THE  
13          INTENDED CLARITY BETWEEN THE ROLE OF THIS BOARD AND  
14          THAT OF THE LEA.

15                   AND I'LL QUOTE. "THE REPORT FOUND  
16          THAT REGULATORY OVERLAP, CONFLICT, AND DUPLICATION  
17          WERE EVIDENT BETWEEN THE BOARD AND THE STATE WATER  
18          BOARD AND BETWEEN THE BOARD AND LOCAL ENFORCEMENT  
19          AGENCIES AND THAT REGULATORY REFORM WAS NECESSARY  
20          TO STREAMLINING THE STATE'S SOLID WASTE DISPOSAL  
21          REGULATORY PROCESS. IN ADDITION, IT WAS FOUND THAT  
22          A RECASTING OF THE SOLID WASTE FACILITY PERMIT WAS  
23          WARRANTED TO MAKE EFFICIENT AND STREAMLINED THE  
24          PERMITTING AND REGULATION OF SOLID WASTE  
DISPOSAL

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25        FACILITIES."    AND THEN PERHAPS EVEN MORE

128

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1 SPECIFICALLY THE FOLLOWING PARAGRAPH.

2 "A CLEAR AND CONCISE DIVISION OF  
3 RESPONSIBILITY SHALL BE MAINTAINED TO MINIMIZE  
4 OVERLAP AND DUPLICATION OF PERMITTING, INSPECTION,  
5 AND COMPLIANCE DUTIES BETWEEN THE BOARD AND  
6 CERTIFIED LEA'S. THE BOARD'S PRIMARY ROLE IN  
7 REGARD TO PERMITTING AND COMPLIANCE SHALL BE TO  
8 PROVIDE TECHNICAL ASSISTANCE AND ONGOING TRAINING  
9 AND SUPPORT TO LEA'S, TO ENSURE A LOCAL ENFORCEMENT  
10 AGENCY'S PERFORMANCE IN COMPLYING WITH STATE  
11 MINIMUM STANDARDS, AND TO REVIEW PERMITS AND OTHER  
12 DOCUMENTS SUBMITTED BY LEA'S FOR BOARD CONCURRENCE  
13 OR APPROVAL. THE BOARD SHALL STRENGTHEN THE STATE  
14 CERTIFICATION AND EVALUATION PROGRAM FOR LEA'S AND  
15 SHALL SET CLEAR AND UNIFORM STANDARDS TO BE MET BY  
16 LEA'S."

17 THERE WAS ALSO CONSIDERABLE  
18 DISCUSSION AT THE TIME AB 1220 WAS BEING DEVELOPED  
19 ABOUT THE NEED TO STRENGTHEN STATE LAW GOVERNING  
20 THE BOARD'S LEA EVALUATION FUNCTION, AND YOU CAN  
21 SEE THAT IN THE LATTER PROVISION THAT I JUST READ.  
22 THESE CHANGES CAN ALSO BE SEEN IN PUBLIC RESOURCES  
23 CODE 43214, WHICH APPEARS ON PAGES 4 AND 5 OF YOUR

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24 AGENDA ITEM.

25 I WILL NOT READ THIS SECTION AS IT'S  
129



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1 RATHER LENGTHY, BUT PRIMARILY WANTED TO HIGHLIGHT  
2 FOR YOU TWO ASPECTS OF IT THAT WERE SIGNIFICANT  
3 REVISIONS BROUGHT ABOUT BY AB 1220. PRIOR TO 1220,  
4 THE PROVISIONS IN THE LAW STEMMING FROM 939 SPOKE  
5 TO AN ABILITY OF THE BOARD TO, WHEN ISSUES WERE  
6 FOUND AT SOLID WASTE FACILITIES IN THE COURSE OF AN  
7 EVALUATION, THE BOARD COULD DO A PERFORMANCE REVIEW  
8 OF THE LEA, AND THROUGH A FAIRLY LABORIOUS PROCESS,  
9 WHICH I THINK YOU'RE FAMILIAR WITH, 120 DAYS TO DO  
10 THE REVIEW, AND THEN I BELIEVE IT'S 90 DAYS TO  
11 PREPARE A REPORT AND 60 DAYS TO PREPARE A  
12 CORRECTIVE ACTION PLAN. TIME FRAMES ARE SET OUT  
13 FOR ACTION.

14 WHEN WE WERE DEBATING IN THE  
15 LEGISLATIVE PROCESS THE INCREASED DELEGATION TO THE  
16 LEA OF CERTAIN PERMITTING AND COMPLIANCE FUNCTIONS,  
17 IT WAS FELT VERY STRONGLY BY MEMBERS OF THE FOLKS  
18 ADVOCATING DIFFERENT POINTS OF VIEW AT THE TIME  
19 THAT MORE FOCUS NEEDED TO BE PLACED ON THE  
20 AUTHORITY OF THE BOARD TO STEP IN QUICKLY IF ISSUES  
21 WERE FOUND.

22 FOR THOSE REASONS, SORT OF TWO-THIRDS  
23 OF THE WAY DOWN THE PAGE ON PAGE 4, YOU WILL SEE  
24 LANGUAGE THAT WAS ADDED TO THE CODE BY AB 1220,  
25 BEGINS NOTWITHSTANDING SECTIONS 43215 -- AND I

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1 THINK IT'S 43216. THERE'S A TYPO THERE -- IF THE  
2 BOARD FINDS THAT CONDITIONS AT SOLID WASTE  
3 FACILITIES WITHIN THE JURISDICTION OF THE LEA  
4 THREATEN PUBLIC HEALTH AND SAFETY OR THE  
5 ENVIRONMENT, THE BOARD SHALL WITHIN TEN DAYS OF  
6 NOTIFYING THE LEA BECOME THE EA UNTIL ANOTHER LEA  
7 IS DESIGNATED AND CERTIFIED. THAT WAS AN ADDITION  
8 WITH 1220 AND A FAIRLY SIGNIFICANT ONE.

9 THE OTHER ADDITION THAT 1220 MADE TO  
10 THE CODE IS THE SUBDIVISION D WHICH FOLLOWS  
11 IMMEDIATELY, WHICH STATES THAT THE BOARD SHALL FIND  
12 THAT AN LEA IS NOT FULFILLING ITS RESPONSIBILITIES  
13 PURSUANT TO THIS ARTICLE IF ANY OF THE FOLLOWING  
14 FINDINGS ARE MADE. AND THEN ON THE FOLLOWING PAGE,  
15 PAGE 5, ARE LISTED FIVE SPECIFIC POINTS HAVING TO  
16 DO WITH PREPARATION OF ADEQUATE PERMITS, PURSUING  
17 ENFORCEMENT APPROPRIATELY, ALL THOSE KINDS OF  
18 THINGS WHERE THE STATUTE NOW STATES AND HAS SINCE  
19 1993 THAT THE BOARD SHALL FIND THAT THE LEA IS NOT  
20 FULFILLING ITS FUNCTION IF ONE OF THOSE SITUATIONS  
21 EXISTS.

22 SO IT'S CLEAR FROM LOOKING AT THE  
23 SECTIONS TOGETHER, THOSE HAVING TO DO WITH THE

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24        AUTHORITY OF THE BOARD AND THE LEA AND THOSE HAVING  
25        TO DO WITH STRENGTHENING THE EVALUATION PROCESS,

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1        THAT 1220 WAS INTENDING TO LINK CLARITY REGARDING  
2        THE ROLES OF THE LEA AND THIS BOARD WITH INCREASED  
3        EMPHASIS ON TRAINING, TECHNICAL ASSISTANCE, AND A  
4        STRENGTHENED EVALUATION FUNCTION.

5                    AS YOU KNOW, WE HAVE BEEN ACTIVELY  
6        SEEKING TO IMPLEMENT MANY OF THESE ASPECTS OF AB  
7        1220 FOR SEVERAL YEARS NOW AS EVIDENCED IN OUR  
8        INCREASED EFFORTS IN TRAINING, SEEKING LEA  
9        INVOLVEMENT IN OUR PROGRAMS ON HOW TO MAKE THEM  
10       MEET THEIR NEEDS, AND IN OUR EFFORTS TO ADDRESS  
11       INADEQUACIES IN THE EVALUATION PROCESS.

12                   AS REGARDS PERMIT REVIEW, THIS  
13        PRIMARILY MEANS A SHIFT IN FOCUS TO PROVIDING THE  
14        TOOLS AND ASSISTANCE NEEDED BY LEA'S TO SUBMIT  
15        COMPLETE AND ACCURATE PERMIT PACKAGES. HOWEVER, WE  
16        RECOGNIZE THAT AB 1220 DID NOT ELIMINATE NOR WEAKEN  
17        THIS BOARD'S ROLE IN ACTING TO CONCUR IN OR OBJECT  
18        TO SOLID WASTE FACILITIES PERMITS. IN FACT, AB  
19        1220 ARGUABLY STRENGTHENED THIS ROLE BY REQUIRING  
20        THE BOARD TO OBJECT TO PERMITS IF IT FINDS THAT  
21        SPECIFIC REQUIREMENTS OF THE LAW AND REGULATION  
22        HAVE NOT BEEN MET.

23                   AGAIN, AB 939 WAS FAIRLY GENERAL IN

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24 ITS WORDING ON CONCURRENCE AND OBJECTION. AB 1220

25 MADE THE LAW MORE SPECIFIC.

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1                   NOW TO BRIEFLY SPEAK TO THE TITLE 27  
2   REGULATIONS, WHICH WERE THIS BOARD AND THE WATER  
3   BOARD'S EFFORTS TO IMPLEMENT THROUGH REGULATION THE  
4   1220 PROVISIONS. HOW DID THE TITLE 27 REGULATIONS  
5   SEEK TO IMPLEMENT THE AB 1220 STATUTORY INTENT TO  
6   PROVIDE A CLEAR AND CONCISE DIVISION OF  
7   RESPONSIBILITIES BETWEEN THE BOARD AND CERTIFIED  
8   LEA'S? PRIMARILY I THINK TWO SECTIONS OF THE  
9   REGULATIONS ARE MOST RELEVANT, ONE DESCRIBING THE  
10  ENFORCEMENT AGENCY PERMIT PROCESSING REQUIREMENTS  
11  AND ONE DESCRIBING WASTE BOARD PERMIT PROCESSING  
12  REQUIREMENTS. AND YOU CAN FIND THOSE SECTIONS OF  
13  THE TITLE 27 REGULATIONS ON PAGE 7 OF YOUR ITEM.

14                   AND AGAIN, I WON'T READ THOSE  
15  SECTIONS. I THINK THE MOST RELEVANT THING HERE  
16  TO  
17  FOCUS ON, IN THE FIRST SECTION THAT YOU SEE ON  
18  PAGE  
19  7, 21650, WHICH RELATES TO THE EA PROCESSING  
20  REQUIREMENTS, THE PARAGRAPH 3 THERE CALLS FOR A  
21  CERTIFICATION FROM THE EA THAT THE PERMIT  
APPLICATION PACKAGE IS COMPLETE AND CORRECT,  
INCLUDING A STATEMENT THAT THE RFI MEETS

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22 THE REQUIREMENTS OF 21600 OF THESE SAME

23 REGULATIONS.

24 AND THEN WHEN YOU FLIP TO THE

SECTION

25 DOWN BELOW, 21685, ON THE BOARD PROCESSING ROLE,

IT



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1 REFERENCES THE CERTIFICATION BY THE ENFORCEMENT  
2 AGENCY THAT THE RFI IS COMPLETE AND CORRECT.

3 SO WHAT DO THESE STATUTORY AND  
4 REGULATORY CHANGES MEAN IN TERMS OF BOARD REVIEW OF  
5 PERMITS? THEY DO NOT MEAN THAT THE BOARD'S  
6 DECISION-MAKING ROLE IS LESSENER. THEY DO SEEK TO  
7 CLARIFY THE PRIMARY ROLE OF THE LEA IN THE PERMIT  
8 PREPARATION AND SUBMITTAL PROCESS AND THE ROLE OF  
9 THE BOARD IN PROVIDING THE LEA WITH THE NEEDED  
10 TOOLS AND ASSISTANCE TO PERFORM THESE FUNCTIONS  
11 SUCCESSFULLY.

12 THE ATTACHMENTS TO YOUR AGENDA ITEM  
13 SEEK TO DEPICT WHAT WE THINK THIS ALL BOILS DOWN TO  
14 IN TERMS OF STAFF REVIEW OF LEA PERMIT SUBMITTALS.

15 THE COPY IN YOUR PACKET IS IN WHITE.  
16 MAYBE YOU CAN SEE THE WORDS A LITTLE BETTER. ONE  
17 WAY TO LOOK AT THIS CHART -- IT WAS JUST AN EFFORT  
18 TO DEPICT FOR YOU WHAT THE HECK WE WERE TALKING  
19 ABOUT -- IF YOU LOOK AT ALL THE WORDING ON THE  
20 PAGE, ALL OF THE DIFFERENT COMPONENTS, AND YOU  
21 THINK ABOUT THE LAW BEFORE 1220, ALL OF THOSE  
22 THINGS WERE ASPECTS OF WHAT BOARD STAFF REVIEWED  
23 WHEN THEY BROUGHT A PERMIT TO YOU PRIOR TO THE  
24 PASSAGE OF AB 1220.

25 AFTER 1220 WE STOPPED REVIEWING ALL

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1 THE OTHER STATE AND LOCAL PERMITS AS PREREQUISITES  
2 TO BOARD ACTION AS THERE WAS NO LONGER ANY  
3 STATUTORY AUTHORITY TO SUPPORT THE CONCEPT OF THE  
4 SOLID WASTE FACILITY PERMIT AS AN UMBRELLA PERMIT  
5 OR THE USE OF THE LAUNDRY LIST OF OTHER REQUIRED  
6 APPROVALS WHICH WAS IN BOARD REGULATION AS A  
7 PREREQUISITE TO BOARD ACTION ON A PERMIT.

8 THIS LAUNDRY LIST IS DEPICTED IN THAT  
9 YELLOW BOX. SO THOSE ARE ASPECTS OF THE PERMIT  
10 THAT WE CEASED REVIEWING IN DETAIL, SOME OF THEM  
11 MANY YEARS AGO BECAUSE THIS LAW PASSED FOUR YEARS  
12 AGO, WHICH REMOVED ANY AUTHORITY FOR US TO BE  
13 ADHERING TO THAT LAUNDRY LIST, SO THAT'S NOT A  
14 CHANGE THAT'S PROPOSED BEFORE YOU TODAY. IT'S  
15 SOMETHING THAT WE'VE BEEN IMPLEMENTING SINCE THE  
16 STATUTE TOOK EFFECT.

17 IN THE BOTTOM GREEN BOX IS THE LIST  
18 OF ITEMS THAT WE STILL REVIEW AND WILL REVIEW IN  
19 THE POST 1220 ERA. IN THE SMALL RED BOX ARE THE  
20 TWO ITEMS FOR WHICH OUR REVIEW IS PROPOSED TO  
21 CHANGE SOMEWHAT AND IS REALLY THE FOCUS OF THE ITEM  
22 THAT WE'VE BEEN BRINGING TO YOU THE LAST TWO MONTHS  
23 IN COMMITTEE AND BOARD MEETING. AND MOST  
24 IMPORTANTLY, THE RFI, THE REPORT OF FACILITY  
25 INFORMATION, IN THE RED BOX.

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1                   THE QUESTION THAT STAFF WERE SEEKING  
2       TO POSE IN THE INFORMATIONAL ITEMS THAT WE'VE BEEN  
3       BRINGING TO YOU AND THE DEBATE WE'VE BEEN HAVING  
4       WITHIN THE DIVISION IS WHAT LEVEL OF REVIEW OF THE  
5       RFI IS APPROPRIATE NOW THAT THE LEA IS REQUIRED BY  
6       REGULATION TO CERTIFY THAT THAT DOCUMENT IS  
7       COMPLETE AND CORRECT? THE OTHER ITEM MENTIONED IN  
8       THE RED BOX IS WATER BOARD DOCUMENTATION. AND ALL  
9       THAT'S MEANT BY THAT IS THAT WITH 1220, AS YOU  
10      KNOW, ONE OF THE BALANCING ASPECTS OF IT WAS THAT  
11      WHEN YOU'RE CONCURRING ON A PERMIT, YOU ARE NOT  
12      REQUIRED TO ACT IF THERE ARE OUTSTANDING ISSUES  
13      REGARDING ENFORCEMENT ORDERS PENDING AT THE  
14      REGIONAL BOARD.

15                  SO WE NOW OBTAIN INFORMATION FROM THE  
16      LEA REGARDING ANY SUCH PENDING ACTIONS AND THE  
17      STATUS OF THE WASTE DISCHARGE REQUIREMENTS SO THAT  
18      YOU CAN FULFILL THAT.

19                  SO IN A SENSE THEN ALL OF THE  
20      DISCUSSION AND DEBATE WE'VE BEEN HAVING IS ABOUT  
21      THE LEVEL OF REVIEW FOR THE RFI. ALL THIS HAVING  
22      BEEN SAID, WE RECOGNIZE, AS BOARD STAFF, THAT THE  
23      BOARD WILL NEED, DOES NEED, AND WILL ALWAYS NEED

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24 SUFFICIENT INFORMATION FROM THE LEA AND FROM BOARD  
25 STAFF TO MAKE YOUR DECISIONS. AND WE AS STAFF WILL

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1       NEED TO PERFORM SUFFICIENT REVIEW TO MAKE A  
2       RECOMMENDATION TO YOU REGARDING CONCURRENCE OR  
3       OBJECTION IN A PERMIT.

4                       WE DO NOT ENVISION, IN FACT,  
5       SIGNIFICANT CHANGE IN TERMS OF WHAT YOU WILL  
6       ACTUALLY SEE FROM STAFF ON PERMITS.  A LOT OF IT  
7       BOILS DOWN TO WHAT LEVEL OF REVIEW WE WILL GIVE TO  
8       THE RFI THAT HAS BEEN CERTIFIED AS COMPLETE AND  
9       CORRECT BY THE LEA.  WE WILL CLEARLY NEED TO REVIEW  
10      FOR WHETHER THE REQUIRED PARTS AND PIECES ARE  
11      PRESENT, WHETHER IT'S CONSISTENT WITH OTHER ASPECTS  
12      OF THE PERMIT SUBMITTAL, AND WE MAY NEED TO LOOK  
13      FOR OTHER THINGS AS WELL IN ORDER TO DEVELOP A  
14      RECOMMENDATION ON CONCURRENCE OR OBJECTION FOR YOU.

15                     THAT CONCLUDES MY PRESENTATION AND  
16      ATTEMPT TO CLARIFY WHAT WE WERE TRYING TO DESCRIBE  
17      IN MARTINEZ.

18                     CHAIRMAN PENNINGTON:  THANK YOU.  
19      DISCUSSION OF STAFF FIRST, OR DO YOU WANT TO HEAR  
20      FROM ALL THE PEOPLE?

21                     BOARD MEMBER CHESBRO:  I'D LIKE TO MAKE  
22      SOME COMMENTS.  THIS ITEM WAS BROUGHT FORWARD FROM  
23      OUR MEETING IN MARTINEZ.  AT THAT TIME I HAD

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24 SEVERAL QUESTIONS ABOUT THE BOARD'S LONG-TERM  
25 STRATEGY FOR REVIEWING AND CONSIDERING FACILITY



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1        PERMITS. I EXPRESSED CONCERN THAT WE WERE  
2        HINDERING THE BOARD MEMBERS' ABILITY TO ACT ON  
3        PERMITS BECAUSE OUR STAFF WOULD LIMIT THEIR  
4        INDEPENDENT ANALYSIS OF PERMITS, AND WE WOULD BE  
5        RELYING EXCLUSIVELY ON LOCAL ENFORCEMENT AGENCY  
6        CERTIFICATION OF COMPLIANCE.

7                        NOW, I'VE SUPPORTED VERY STRONGLY AND  
8        I CONTINUE TO SUPPORT THE CONTINUING UPGRADING OF  
9        THE LEA'S, BUT THEY'RE NOT PERFECT AND THEY NEVER  
10       WILL BE PERFECT. THERE WILL CONTINUE TO BE  
11       EXAMPLES WHERE THERE ARE DIFFICULTIES, AND I KNOW  
12       THAT THOSE ARE CREATED NOT JUST BY -- VERY SELDOM  
13       BY THE INTENTIONS OF AN LEA TO NOT COMPLY  
14       ADEQUATELY, BUT THERE'S A QUESTION OF RESOURCE  
15       ALLOCATION AT THE LOCAL LEVEL, AND THERE'S  
16       QUESTIONS FROM TIME TO TIME OF POLITICAL PRESSURE.  
17       AND I SAY THAT NOT AS A CURRENT MEMBER OF THE WASTE  
18       BOARD. I SAY THAT HAVING SERVED IN LOCAL  
19       GOVERNMENT AND BOTH OBSERVED FIRSTHAND IN THE  
20       COUNTY I WAS IN AND ALSO KNOWING COUNTY OFFICIALS  
21       FROM AROUND THE STATE AND PARTICIPATING IN  
22       DISCUSSIONS AND INTERACTING WITH OTHER COUNTIES FOR  
23       MANY, MANY YEARS.

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24 I CONTINUE TO DO THAT, INCIDENTALLY,

25 AS A MEMBER OF THIS BOARD, BUT IT'S FIRSTHAND

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1 EXPERIENCE. IT'S NOT JUST SITTING HERE HEARING  
2 PERMITS THAT LEAD ME TO THAT CONCLUSION.

3 THERE HAVE BEEN TIMES AND THERE WILL  
4 CONTINUE TO BE TIMES WHEN PERMITS ARE GOING TO LAND  
5 BEFORE THIS BOARD WHERE THERE WILL BE -- THE LEA'S  
6 RECOMMENDATIONS WILL BE THE SUBJECT OF CRITICISM  
7 AND CONTROVERSY, EITHER BY ANOTHER JURISDICTION OR  
8 THE JURISDICTION THAT'S BEING REGULATED OR THE -- A  
9 COMPETITOR OR A NEIGHBORHOOD GROUP OR YOU NAME IT,  
10 WHAT THE CAUSE -- WHAT THE ORIGIN OF THE MOTIVATION  
11 FOR THE PEOPLE QUESTIONING THE LEA'S ABILITIES  
12 MIGHT BE.

13 AND I'M NOT SAYING THAT SIMPLY  
14 RAISING THE QUESTIONS CASTS ANY DOUBT ON THE LEA.  
15 IT DOES REQUIRE THE BOARD, HOWEVER, UNDER THOSE  
16 CIRCUMSTANCES, TO HAVE AN INDEPENDENT ANALYSIS.  
17 AND IT'S MY BELIEF THAT UNDER THIS PROPOSAL WE  
18 WON'T BE ASSURED OF THIS. AND I THINK THAT WE'VE  
19 BEEN -- IT'S NOT THAT THIS PROPOSAL DRAMATICALLY  
20 ENDS THAT. WE'VE BEEN ON THIS SLIPPERY SLOPE WHERE  
21 LITTLE BY LITTLE, WE'RE GETTING LESS, AND THIS  
22 MOVES US FURTHER ALONG IN THAT PROCESS.

23 I BELIEVE THIS IS A FUNDAMENTAL ISSUE

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24       FOR THE BOARD.   I'D LIKE TO BE ABLE TO HAVE A  
25       MEANINGFUL DISCUSSION OF THE BOARD'S STAFF

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1 PROPOSAL. UNFORTUNATELY, THE ITEM WAS DELIVERED TO  
2 THE BOARD, AND THIS IS QUITE UPSETTING TO ME, THIS  
3 MORNING WITH NO ABILITY TO REVIEW IT AND DISCUSS IT  
4 WITH STAFF IN ADVANCE. ACTUALLY, WE RECEIVED IT  
5 LATE YESTERDAY. I DIDN'T SEE IT TILL THIS MORNING.  
6 THERE WAS NO TIME FOR REVIEW AND CERTAINLY NO TIME  
7 FOR PUBLIC REVIEW OF THE PROPOSALS.

8 YET I NOTE THAT THERE ARE LEA'S HERE,  
9 SO I ASSUME THAT THEY HAVE BEEN DISCUSSING WITH  
10 STAFF AND WERE AWARE OF WHAT THE STAFF WAS GOING TO  
11 BE PRESENTING US.

12 AS A BOARD MEMBER, I WANT TO KNOW AND  
13 I WANT TO KNOW THAT THE GENERAL PUBLIC HAS ACCESS  
14 TO WHAT'S GOING TO BE DISCUSSED BY THE BOARD. AS  
15 I'VE SAID BEFORE, THIS IS A SLIPPERY SLOPE. THE  
16 BOARD STAFF HAS APPARENTLY ALREADY BEGUN THE  
17 PROCESS TO LOOKING AT LEA CERTIFICATION RATHER THAN  
18 INDEPENDENT REVIEW AND ANALYSIS AS THE PRIMARY  
19 FOCUS OF DETERMINING WHETHER OR NOT WE'RE GETTING  
20 ADEQUATE PERMITS BEFORE US. AS A BOARD MEMBER, I  
21 BELIEVE THE BOARD INTENDED ME AND INTENDED YOU, MY  
22 COLLEAGUES, TO INDEPENDENTLY REVIEW AND ACT ON  
23 PERMITS.

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24 IT'S TRUE THAT WE STILL HAVE THAT

25 AUTHORITY IN THE STATUTE, BUT WITHOUT ADEQUATE

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1       SUPPORT FOR THAT FUNCTION FROM STAFF, IT MAKES THE  
2       JOB A WHOLE LOT MORE DIFFICULT, AND THE  
3       CIRCUMSTANCE I'M ENVISIONING, AND I CAN THINK OF A  
4       HALF A DOZEN IN THE LAST COUPLE YEARS, WHERE WE'RE  
5       SITTING HERE AND THE LEA IS BEING CAST --  
6       ESSENTIALLY BEING QUESTIONED OR CRITICIZED AS TO  
7       WHETHER THE PERMIT IS ADEQUATE. AND WE NEED THAT  
8       THIRD-PARTY INDEPENDENT ANALYSIS IN THE FORM OF OUR  
9       STAFF TO ASSURE US THAT WE ARE MAKING A DECISION  
10      BASED ON ADEQUATE INFORMATION. AND I JUST DON'T  
11      FEEL THAT WE'RE GOING TO BE GETTING THAT. SO THOSE  
12      ARE MY COMMENTS.

13               CHAIRMAN PENNINGTON: THANK YOU, MR.  
14      CHESBRO. ANY OTHER COMMENTS OR DISCUSSION?

15               BOARD MEMBER RELIS: I'LL HOLD TO HEAR THE  
16      COMMENTS.

17               CHAIRMAN PENNINGTON: WE'LL START WITH  
18      JUSTIN MALAN.

19               MR. MALAN: MR. CHAIRMAN, BOARD MEMBERS,  
20      JUSTIN MALAN WITH CCDEH, THE LOCAL ENVIRONMENTAL  
21      HEALTH DIRECTORS, AND WE REPRESENT MOST OF THE  
22      LEA'S AS WELL.

23               I WANT TO THANK YOU FOR THE  
24      OPPORTUNITY TO LET THE LEA'S PITCH THEIR SUPPORT  
25      FOR THIS PROPOSAL. AND I HAD SOME SPECIFIC

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1 COMMENTS TO MAKE, BUT I WANTED TO MAKE A VERY  
2 GENERAL COMMENT. OUR GROUP REPRESENTS THE 56 LOCAL  
3 ENVIRONMENTAL HEALTH DIRECTORS AROUND THE STATE.  
4 THEY MANAGE SOME CASES TEN, SOME CASES 20 DIFFERENT  
5 PROGRAMS, ENVIRONMENTAL HEALTH PROGRAMS. SOME OF  
6 THOSE PROGRAMS DON'T HAVE A STATE CERTIFICATION,  
7 AND YET THESE LOCAL AGENCIES ARE ENTRUSTED BY THE  
8 STATE, BY THE FEDERAL GOVERNMENT, BY THEIR LOCAL  
9 GOVERNMENTS TO PERFORM, IN SOME CASES, MORE  
10 CRITICAL ENVIRONMENTAL AND PUBLIC HEALTH FUNCTIONS  
11 THAN -- OR AT LEAST EQUIVALENT ENVIRONMENTAL HEALTH  
12 FUNCTIONS IN THE LEA PROGRAM.

13 SO MY FIRST POINT REALLY IS THAT I  
14 THINK WE NEED TO KEEP IN MIND THAT YOU'RE NOT  
15 DEALING WITH A BUNCH OF AMATEURS IN THE LEA'S.  
16 THESE ARE CERTIFIED PROFESSIONALS, CERTIFIED REHS'S  
17 THAT KNOW THEIR STUFF. THEY HAVE BEEN ENTRUSTED BY  
18 THE VERY LOCAL AGENCIES IN WHICH THESE FACILITIES  
19 ARE SITED AND WHICH YOU, AS A MEMBER OF THE PUBLIC,  
20 LIVE. I'D LIKE TO SET THAT TONE BECAUSE I THINK WE  
21 OFTEN FORGET THAT.

22 I'D LIKE TO COMMEND THIS BOARD AND  
23 CERTAINLY THE STAFF FOR TAKING THIS PLUNGE, ALBEIT  
24 A RATHER SMALL PLUNGE, IN ACTUALLY TRYING TO  
25 ADDRESS A FAIRLY CRITICAL DYSFUNCTION THAT WE SAW

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1       THREE OR FOUR YEARS AGO.   AND THAT WAS THE  
2       DYSFUNCTIONAL RELATIONSHIP BETWEEN THIS STATE AND  
3       THE LOCALS.   IT OCCURS IN MANY PROGRAMS.   AND AS AN  
4       ASSOCIATION, WE AT CCDEH ARE COMMITTED TO ADDRESS  
5       THIS DYSFUNCTIONAL RELATIONSHIP BETWEEN NOT ONLY  
6       WHAT WE SAW WITH THE STATE BOARD, BUT WITH HEALTH  
7       SERVICES, WITH DEPARTMENT OF TOXICS, WITH OTHER  
8       AGENCIES.

9                   IT'S NOT THAT WE'RE GOING FOR A POWER  
10      GRAB.   WE ARE GENUINELY INTERESTED IN IMPROVING THE  
11      RELATIONSHIP BETWEEN THE STATE AND THE LOCALS AND  
12      PRIMARILY TO IMPROVE OUR SERVICE, THE DELIVERY OF  
13      SERVICE, WITHOUT IN ANY WAY COMPROMISING AND, IN  
14      FACT, WE CAN FAIRLY SAY IMPROVING THE PROTECTION OF  
15      THE PUBLIC HEALTH AND THE ENVIRONMENT.

16                  SO I THINK FROM CCDEH'S PERSPECTIVE,  
17      WE WOULD SUGGEST THAT THIS MOVE THAT'S BEING  
18      PROPOSED HERE IN NO WAY ABROGATES YOUR  
19      RESPONSIBILITY, ABROGATES YOUR AUTHORITY, REDUCES,  
20      DIMINISHES YOUR PRESTIGE.   IN FACT, IT DOES THE  
21      OPPOSITE.   IT PUTS YOU ON A HIGHER PLAIN.   IT PUTS  
22      YOU ON A PLAIN OF BEING AN OVERSEER RATHER THAN  
23      NIT-PICKER.   AND THIS IS HONESTLY WHAT IT BOILS

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24 DOWN TO.

25 YOU ASSUME A FAR GREATER  
143

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1 RESPONSIBILITY, AND THAT IS TO ENSURE THAT THE  
2 LEA'S DO THEIR JOB. THEY MAY DO THEIR JOB IN A  
3 SLIGHTLY DIFFERENT WAY, BUT IT'S YOUR JOB TO ENSURE  
4 THAT THE WHOLE PROGRAM IS DELIVERED EFFECTIVELY AND  
5 EFFICIENTLY. AND I THINK THIS IS THE MECHANISM BY  
6 WHICH WE CAN ACHIEVE THIS. AND I COMMEND YOU FOR  
7 TAKING THE STEP AND OFFER OUR ASSOCIATION'S 100  
8 PERCENT SUPPORT AS WE GO THROUGH THIS PROCESS.  
9 THANK YOU.

10 CHAIRMAN PENNINGTON: ANY QUESTIONS?

11 BOARD MEMBER JONES: I HAVE A COMMENT.  
12 MR. JUSTIN, WHEN YOU REPRESENT, YOU KNOW, 56  
13 DIFFERENT ENVIRONMENTAL HEALTH DIRECTORS, I THINK  
14 IT'S PRETTY FAIR THAT NOT EVERY ONE OF THESE 56  
15 VIEW WHAT THEY DO EXACTLY THE SAME WAY. THAT IS  
16 THE NATURE OF ANY ASSOCIATION.

17 I THINK AB 59 AND WHAT WE ADDED TO  
18 THE LEA CERTIFICATION ISSUES, WHEN WE TALKED ABOUT  
19 UNEQUAL TREATMENT BETWEEN PUBLIC AND PRIVATE  
20 FACILITY TREATMENTS, WERE DRIVEN BECAUSE OF  
21 INEQUITIES THAT HAD BEEN GOING ON FOR A LONG  
TIME,  
22 OKAY, WHERE ONE JURISDICTION TREATED A PUBLICLY

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23       MANAGED FACILITY DIFFERENT THAN A PRIVATELY  
MANAGED

24       FACILITY.   NOW WE SEE LEA SHOPPING GOING ON.

25                       SO I THINK WE HAVE -- YOU KNOW, I  
                          144

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1       DON'T NEED TO KNOW -- I DON'T NEED TO HEAR THAT  
2       THIS PUTS US ON A PEDESTAL BECAUSE I DON'T THINK  
3       WE'VE EVER BEEN ON A PEDESTAL. I THINK WHAT OUR  
4       JOB IS IS TO ENSURE THE PUBLIC HEALTH AND SAFETY AS  
5       IS ENVIRONMENTAL HEALTH DIRECTORS. I THINK WHAT  
6       WE'RE NERVOUS ABOUT IS THAT WE SEE PERMITS COME IN  
7       FRONT OF US OR WE LISTEN TO PEOPLE THAT ARE WAITING  
8       FOR A PERMIT THAT HAVEN'T GOTTEN IN FRONT OF US  
9       BECAUSE OF AN LEA THAT'S TAKING A LONG TIME OR  
10      BECAUSE OF OUR STAFF TAKING A LONG TIME, AND WE IN  
11      THE MIDDLE OF SOME OF OUR WORK HERE ASK QUESTIONS  
12      OF LEA'S THAT WE PUT IMPORTANCE ON, LIKE WHAT ARE  
13      THE BOUNDARIES, WHAT ARE THE PARAMETERS OF THE  
14      FACILITIES THAT -- PHYSICAL PARAMETERS OF THE  
15      FACILITY THAT YOU ARE GOING TO BE INSPECTING? AND  
16      THEY SAY, WELL, THAT'S NOT IMPORTANT. THAT HAS A  
17      TENDENCY TO MAKE US A LITTLE NERVOUS. MAKES ME  
18      NERVOUS. AND I THINK IT RAISED SOME ISSUES WITH  
19      EVERYBODY ELSE HERE.

20                        SO I THINK IT'S FINE THAT YOU WANT TO  
21      TAKE A TONE, BUT I THINK YOU HAVE TO UNDERSTAND  
22      WE'RE NOT DOING THIS TO SIT ON A PEDESTAL. WE'RE  
23      DOING THIS TO ENSURE THE PUBLIC HEALTH AND SAFETY,

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24       AND WE'RE DOING IT TO ENSURE THAT THERE'S EQUAL  
25       TREATMENT, AND THAT THE PUBLIC IS PROTECTED, WHICH



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1       IS EXACTLY WHAT YOU'RE TRYING TO DO, BUT I THINK WE  
2       JUST NEED TO WORK THROUGH IT BECAUSE THIS IS  
3       DIFFERENT.

4                       AND I DO GET NERVOUS WHEN AN LEA  
5       DOESN'T KNOW WHAT -- DOESN'T SEE THAT THERE IS  
6       VALUE IN KNOWING THE PARAMETERS OF A FACILITY  
7       CONTAINED WITHIN ANOTHER FACILITY. THAT SCARES ME  
8       BECAUSE HE CAN BE DUPED EVERY DAY. AND I'VE DEALT  
9       WITH AN AWFUL LOT OF LEA'S IN MY CAREER, AND THERE  
10      ARE SOME THAT ARE BETTER THAN OTHERS, BELIEVE ME.

11                      SO I JUST WANTED TO MAKE THAT CLEAR,  
12      THAT WE'RE NOT TRYING FOR A POWER GRAB OR TO GIVE  
13      YOU POWER. WE HAVE TO ALWAYS KEEP IN MIND THAT  
14      WE'RE HERE TO ENTRUST THE PUBLIC HEALTH AND SAFETY  
15      AND TO MAKE SURE THAT THESE REGS GET US THERE.

16                      MR. MALAN: I THINK WE SHARE YOUR  
17      SENTIMENT, BOARD MEMBER.

18                      CHAIRMAN PENNINGTON: NEXT IS KEN STUART.

19                      MR. STUART: MR. CHAIRMAN, MEMBERS OF THE  
20      BOARD, I'M KEN STUART. I'M THE NEW DIRECTOR OF  
21      ENVIRONMENTAL HEALTH IN CONTRA COSTA COUNTY.  
22      PROBABLY HAVE KIND OF A VARIED BACKGROUND IN THE  
23      FACT THAT I HAD PLAYED BOTH HATS. I'VE BEEN AN

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24       EMPLOYEE OF THE DEPARTMENT OF HEALTH SERVICES IN

25       CALIFORNIA FOR 11 YEARS, AND THIS IS MY THIRD

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1 COUNTY JOB I'VE BEEN WITH FOR A TOTAL OF 14 YEARS  
2 OF LOCAL EXPERIENCE. SO I HONESTLY KNOW THAT  
3 THERE'S -- WHEN WE TALK ABOUT THE, SHALL I SAY, THE  
4 DISTRUST BETWEEN COUNTY AND STATE, IT GOES BOTH  
5 WAYS, THAT THERE'S AN EQUAL DISTRUST BETWEEN STATE  
6 AND COUNTY AS WELL AS COUNTY TO STATE.

7 I THIS PAST WEEK WAS VERY FORTUNATE  
8 TO ATTEND THE DIRECTORS OF ENVIRONMENTAL HEALTH  
9 MEETING AND STARTED WITH THE PRESENTATION ON  
10 PROJECT 2000 THAT BOTH DOROTHY RICE AND RALPH  
11 CHANDLER PARTICIPATED IN.

12 SINCE I'VE BEEN WITH THE STATE FOR  
13 THE LAST COUPLE YEARS WORKING IN DIFFERENT AREAS, I  
14 HADN'T BEEN PRIVILEGED TO REALLY SEE WHAT WAS GOING  
15 ON HERE. AND TO TELL YOU THE TRUTH, I WAS  
16 TREMENDOUSLY IMPRESSED. THIS PROCESS HAS TAKEN ON  
17 SOME OF THE EXACT PROBLEMS THAT EXIST BETWEEN  
18 COUNTY AND STATE. AND I MUST COMMEND THE BOARD AND  
19 YOUR STAFF FOR THE PIONEERING EFFORTS IT'S DONE.

20 AND I SAY PIONEERING BECAUSE I CAN  
21 ALSO TELL YOU THAT THE NEXT PANEL THAT CAME ON  
22 AFTER THIS INVOLVED THE DEPARTMENT OF HEALTH  
23 SERVICES, THAT SAME GROUP I LEFT EMPLOYMENT WITH AT

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24 THE END OF AUGUST. THEY'VE NOW REALIZED THAT THEY  
25 HAVE TO PROVIDE THE LEVEL OF PUBLIC HEALTH

147

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1 PROTECTION THAT IS NEEDED IN CALIFORNIA. THEY HAVE  
2 TO LOOK AT THE PROJECT 2000 THAT YOUR BOARD  
3 BASICALLY PIONEERED, AND WE'RE NOW WORKING ON A  
4 MODEL FOR THAT FOR STATE HEALTH.

5 WHAT THIS TELLS ME IS THERE HAS TO BE  
6 A TREMENDOUS AMOUNT OF TRUST BETWEEN THE AGENCIES.  
7 THE OTHER THING THAT WAS RATHER AMUSING, MR.  
8 CHANDLER WAS TALKING ABOUT THE NEED AS WE WERE  
9 TALKING INTERNET. AND, OF COURSE, COMING OUT OF  
10 STATE GOVERNMENT, IT WAS -- STATE HEALTH, WE DIDN'T  
11 REALLY HAVE INTERNET YET. AND DURING MR.  
12 CHANDLER'S PRESENTATION, I WAS BEEPED BY MY  
13 SUPERVISOR THAT I HAD LEFT IN CHARGE DOWN IN  
14 CONCORD. AT THE BREAK I CALLED HER AND SHE SAID,  
15 "KEN," SHE SAYS, "I'VE GOT A REAL PROBLEM." SHE  
16 SAID, "THE DATA MANAGEMENT STAFF ARE IN HOOKING UP,  
17 AND DID YOU APPROVE HOOKING UP ALL OF THE LEA STAFF  
18 WITH THE INTERNET?" AND I SAID, "YES, I DID. GO  
19 AHEAD AND DO IT." I SAID, "MATTER OF FACT, MR.  
20 CHANDLER JUST ASKED US TO MAKE SURE THAT WE DID  
21 IT."

22 THIS LEADS INTO MY FEELING THAT IN  
23 THE LAST FEW YEARS WE HAVE A TREMENDOUS AMOUNT OF

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24 NEW COMMUNICATION THAT IS OPEN BETWEEN OUR STAFF

25 AND THE STATE STAFF. AND IT'S GOING TO BE VERY

148

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1 CHALLENGING AND THOUGH -- AND YET I KNOW AS I WENT  
2 BACK TO THE OFFICE YESTERDAY MORNING TO SEE MY  
3 STAFF ACTUALLY STARTING TO CALL UP, LOOKING AT THE  
4 INTEGRATED WASTE MANAGEMENT BOARD'S WEB SITE, AND  
5 STARTING TO COMMUNICATE IS CRITICAL.

6 THE ONLY THINGS I REALLY WANT TO TALK  
7 ABOUT TODAY IS THAT WE HOPE THAT YOU WILL GIVE US,  
8 THE LEA'S, THE TRUST TO PREPARE ACCEPTABLE PERMITS.  
9 AND AS WE GET INTO THE FACT THAT THEY MAY NOT  
10 ALWAYS BE PERFECT, THAT WE HAVE THE OPEN COMMUNICA-  
11 TION TO KIND OF HEAD US OFF AHEAD OF TIME AND SAY  
12 THIS IS MISSING OR THIS ISN'T MISSING. THERE ARE  
13 TIMES WHEN OUR STAFF KNOW WHY IT'S MISSING. YOUR  
14 STAFF NEED TO KNOW THAT. THERE ARE TIMES YOUR  
15 STAFF KNOW SOMETHING IS MISSING. OUR STAFF NEED TO  
16 KNOW THAT ALSO.

17 PART OF THE COMMUNICATION PROCESS IS  
18 OPEN BETWEEN US. WE TALKED ABOUT AB 1220 WITH  
19 OVERLAP, DUPLICATION, CONFRONTATION. AND I HOPE WE  
20 COMMIT OURSELVES IN THE NEXT YEARS TO MAKE SURE  
21 THAT THAT IS MINIMIZED. IT WILL ALWAYS OCCUR  
22 SOMEWHAT, BUT I THINK WE HAVE AN OBLIGATION TO YOU  
23 AND YOU TO US TO MAKE SURE THAT WE TOE THE LINE.

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24       THANK YOU.

25                   CHAIRMAN PENNINGTON:   QUESTIONS OF MR.



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1       STUART?  THANK YOU, MR. STUART.

2                       NOW WE'LL HAVE DON KOEPP.

3                       MR. KOEPP:  THANK YOU, MR. CHAIR, MEMBERS  
4       OF THE BOARD, MY NAME IS DON KOEPP.  I'M THE LEA  
5       WITH THE COUNTY OF VENTURA AND BEEN INVOLVED WITH  
6       LEA BUSINESS, I GUESS, SINCE NEGLEY-ZEEBURG, AND  
7       MAYBE AL MARINO CAN TELL YOU WHEN THAT STARTED.  I  
8       CAN'T.  SO I HAVE BEEN INVOLVED IN THE SOLID WASTE  
9       EFFORTS AS IT RELATES TO THE BOARD AND THE  
10      INTERACTION BETWEEN THE BOARD AND LEA'S FOR SOME  
11      PERIOD OF TIME.

12                      I WOULD LIKE TO COMMENT ON A COUPLE  
13      OF AREAS.  ONE HAD TO DO WITH THE PARTNERSHIP 2000  
14      AND THE TRUST BUILDING, WHICH WHATEVER ASSURANCES I  
15      CAN GIVE YOU ALL THAT PART OF THAT PROCESS DID  
16      BUILD A CERTAIN AMOUNT OF TRUST BETWEEN STATE AND  
17      LOCAL AND SO WE ELIMINATE THESE BARRIERS BECAUSE IN  
18      ORDER FOR ME TO DO MY JOB, WHICH IS YOUR JOB, AND  
19      US TO COOPERATE, THOSE BARRIERS CAN'T EXIST.  AND  
20      WE HAVE PROBLEMS IN OTHER STATE AGENCIES, AND I  
21      THINK THE PROCESS OF PROJECT 2000 WENT A LONG WAYS  
22      BETWEEN BUILDING TRUST BETWEEN LEA'S AND THE BOARD  
23      AND THE BOARD STAFF AND REPRESENTING, I THINK, THE

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24 BOARD'S INTEREST, SO WE CAN AS LEA'S BETTER

25 UNDERSTAND YOUR ALL COLLECTIVE INTEREST AS A BOARD.

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1                   AND THAT'S THE RESPONSIBILITY THAT WE  
2     HAVE.   ONE OF THE OUTGROWTHS OF PARTNERSHIP 2000  
3     THAT IS STILL BEING WORKED ON AND IT'S AN ONGOING  
4     RESPONSIBILITY OF THE BOARD AND THE LEA'S, BECAUSE  
5     WE HAVE COMMITTED OUR STAFF AND TIME, HAS TO DO  
6     WITH TRAINING.   AND THERE HAS BEEN A MASSIVE  
7     TRAINING EFFORT GO FORWARD THIS YEAR, AND I BELIEVE  
8     THERE'S SOME 26 TRAINING SESSIONS COVERING SIX  
9     DIFFERENT IMPORTANT TECHNICAL TOPICS THAT WE WERE  
10    INVOLVED IN ACROSS THE STATE THIS YEAR, AND THERE'S  
11    MORE TO COME FORWARD NEXT YEAR.

12                  SO I CAN SAY THAT WE'RE TRYING TO  
13    IMPROVE.   YOUR STAFF AND YOUR BOARD IS TRYING TO  
14    HELP US TO IMPROVE, AND WE ACCEPT THAT AS POSITIVE.  
15    IF WE NEED TO IMPROVE AND THERE ARE AREAS WHERE WE  
16    ARE CALLED OUT FOR IMPROVEMENT, THEN, OF COURSE, WE  
17    NEED TO PARTICIPATE IN THAT.

18                  ALSO, I THINK ONE OF THE ELEMENTS HAD  
19    TO DO WITH THE GOALS AND OBJECTIVES THAT CAME  
20    BEFORE YOUR BOARD OF THE P&E DIVISION WAS TALKED  
21    ABOUT GIVING THE BEST ASSISTANCE AND BEING THE BEST  
22    TECHNICAL EXPERTS IN THEIR FIELD.   AND WE  
23    APPRECIATE THAT, AND I THINK THAT'S GOING TO ALLOW  
24    US TO DO A BETTER JOB.

25                  FINALLY, ANOTHER AREA THAT WE'RE ALL

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1 WORKING FOR AT THE LOCAL LEVEL, AND I THINK PART OF  
2 THIS PROCESS IS WORKING ON IS A LITTLE BIT OF TOTAL  
3 QUALITY MANAGEMENT. WE'RE TRYING TO PERMIT, WE'RE  
4 TRYING TO STREAMLINE, WE'RE TRYING TO UNDERSTAND  
5 OUR CUSTOMERS, WHICH BOARD MEMBER JONES RECOGNIZED  
6 IS WE'RE TRYING TO GET PERMITS TO PEOPLE. THOSE  
7 ARE OUR CUSTOMERS, AND WE'RE TRYING TO DO THAT  
8 EFFICIENTLY, EFFECTIVELY, AND MEET OUR PRIMARY  
9 RESPONSIBILITY, WHICH, I THINK, IS IN PRC 45000,  
10 WHICH IS PROTECTION OF PUBLIC HEALTH AND SAFETY AND  
11 THE LONG-TERM PROTECTION OF THE ENVIRONMENT.  
12 THAT'S THE PURPOSE OF A PERMIT. AND I THINK ALL OF  
13 US UNDERSTAND THAT AND WE'RE ALL BEHIND THAT AND  
14 ARE TRYING TO DELIVER THAT PRODUCT TO YOUR BOARD.

15 LASTLY, I'D LIKE TO COMMENT ON  
16 PROFESSIONALS. THESE ARE PUBLIC HEALTH  
17 PROFESSIONALS. I HAVE REGISTERED ENGINEERING  
18 GEOLOGISTS, REGISTERED PROFESSIONAL ENGINEERS. I'M  
19 A REGISTERED ENVIRONMENTAL HEALTH SPECIALIST. BEEN  
20 INVOLVED IN PUBLIC HEALTH AND SAFETY MATTERS IN THE  
21 STATE OF CALIFORNIA FOR OVER 30 YEARS. AND WE TAKE  
22 THAT VERY SERIOUSLY. AND I WOULD HOPE ALL LEA'S DO  
23 TAKE THAT SERIOUSLY.

24 AND FINALLY, THE ACCOUNTABILITY  
25 QUESTION. I KNOW THE CALIFORNIA CONFERENCE OF

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1 ENVIRONMENTAL HEALTH DIRECTORS, WHICH HAS MANY OF  
2 THE LEA'S, HAS SUPPORTED THE BOARD ON THE  
3 ACCOUNTABILITY ISSUE. AND I HAPPENED TO BE AT THE  
4 P&E COMMITTEE IN JULY WHEN MR. JONES RAISED THAT  
5 PARTICULAR QUESTION ABOUT ACCOUNTABILITY. AND WE  
6 SUPPORT THE BOARD ON ACCOUNTABILITY FOR LEA'S. AND  
7 IF LEA'S IN YOUR OVERSIGHT ROLE ARE NOT PERFORMING  
8 TO YOUR EXPECTATIONS, THEN I THINK THE CONFERENCE  
9 HAS SUPPORTED AND ALWAYS SUPPORTED YOUR BOARD  
10 TAKING WHATEVER NECESSARY ACTION.

11 WITH THAT, THAT WILL BE MY FINAL  
12 COMMENT. I WOULD LIKE TO THANK THE BOARD FOR THE  
13 NICE RESOLUTION THAT RALPH DELIVERED AT OUR ANNUAL  
14 CONFERENCE. I DON'T KNOW WHERE YOU FIND OUT ALL  
15 THE DETAILS, AND I HOPE YOU DON'T TAKE IT BACK NOW  
16 THAT I MADE THESE COMMENTS, BUT THANK YOUR BOARD  
17 VERY MUCH FOR THE RECOGNITION OF THE WORK I'VE BEEN  
18 ABLE TO WORK WITH RALPH AND YOUR BOARD AS WELL AS  
19 CCDEH. I DO APPRECIATE IT. THANK YOU.

20 CHAIRMAN PENNINGTON: QUESTIONS OF MR.  
21 KOEPP?

22 BOARD MEMBER CHESBRO: I HAVE SOME  
23 COMMENTS, MR. CHAIRMAN. THIS IS NOT NECESSARILY

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24 JUST FOR YOU PERSONALLY, BUT WE'VE GOT A COUPLE OF  
25 THE BEST LEA'S HERE BEFORE THE BOARD. I THINK IT



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1 DEMONSTRATES THAT NOT ONLY HAVE WE BEEN WORKING  
2 HARD TO UPGRADE LEA'S, BUT ALSO THAT THERE ARE SOME  
3 GOOD PEOPLE THAT HAVE BEEN OUT THERE WORKING IN THE  
4 FIELD FOR A LONG TIME.

5 AND IT'S REALLY ODD FOR ME TO BE CAST  
6 IN THE ROLE HERE BECAUSE ONE OF THE REASONS I  
7 WANTED TO GET ON THIS BOARD WAS BECAUSE I WANTED TO  
8 MAKE THIS A DIFFERENT KIND OF A RELATIONSHIP  
9 BETWEEN LOCAL JURISDICTIONS AND THE STATE. AND  
10 CLEARLY WITH -- IN THE PAST WITH VARIOUS STATE  
11 AGENCIES, INCLUDING THE OLD WASTE BOARD, THERE WAS  
12 A TREMENDOUS IMBALANCE.

13 BUT I ALSO THINK THAT, CLEARLY, THERE  
14 HAS TO BE A BALANCE, AND THAT MEANS THAT THE  
15 STATUTORY ROLE THAT WAS CREATED FOR A STATE  
16 CONCURRENCE IN THAT PERMIT HAS A PURPOSE, AND IT'S  
17 NOT JUST A RUBBER STAMP. AND SO THERE'S AN  
18 OVERSIGHT ROLE THAT DOESN'T JUST INVOLVE THE  
19 ONGOING ASSESSMENT. IT INVOLVES LOOKING AT THOSE  
20 INDIVIDUAL PERMITS AND DETERMINING WHETHER THEY  
21 ADEQUATELY MEET STATE STANDARDS.

22 AND SO I THINK THE THING HAS GONE IN  
23 A DIRECTION NOW WHERE THERE'S A POTENTIAL FOR

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24       IMBALANCE IN THE OTHER DIRECTION WHERE THE BOARD  
25       MAY NOT HAVE THE TOOLS TO DO ITS JOB.   AND SO I

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1       WANT TO MAKE IT CLEAR THAT MY CONCERNS -- I'VE  
2       TRIED TO SAY THIS REPEATEDLY, BUT I WANT TO SAY IT  
3       AGAIN, MY CONCERNS ARE NOT OUT OF A CHANGE OF ANY  
4       BELIEF THAT UPGRADING THE LEA'S AND GIVING THEM THE  
5       TOOLS AND BUILDING A STRONGER RELATIONSHIP IS A  
6       NECESSITY BECAUSE IT IS, AND I STRONGLY SUPPORT  
7       THAT. BUT THAT HAS TO BE TAKEN IN BALANCE WITH THE  
8       ONGOING ROLE OF THIS BOARD AS THE RESPONSIBLE PARTY  
9       FOR CONCURRING IN THOSE PERMITS, AND WE HAVE TO  
10      HAVE THE ABILITY TO, GIVEN, AS I SAID EARLIER, THE  
11      LACK OF 100 PERCENT PERFECTION, AND YOU'VE SAID A  
12      LOT ABOUT HOW MUCH BETTER THE LEA'S ARE AND HOW  
13      PROFESSIONAL AND GOOD THEY ARE, BUT I DOUBT THAT  
14      YOU'D SAY THAT THEY'RE A HUNDRED PERCENT PERFECT.

15                   GIVEN THAT, WE HAVE TO BE IN A  
16      POSITION TO BE ABLE TO INDEPENDENTLY ANALYZE  
17      CONFLICTING POINTS OF VIEW THAT COME BEFORE THE  
18      BOARD, AND WE'RE GOING TO GET THEM, AND THE LEA IS  
19      GOING TO BE CAST AS ONE OF THE COMPETING PLAYERS IN  
20      AN ISSUE RATHER THAN JUST THE PRIMARY REGULATOR,  
21      AND THE BOARD HAS TO HAVE THE ABILITY TO ANALYZE  
22      WHETHER OR NOT THE LEA HAS ADEQUATELY DONE ITS JOB  
23      OR NOT IN THAT SPECIFIC SITUATION, NOT JUST THE

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24        OVERALL BIG UMBRELLA, BUT THAT WHEN THAT

25        CONTROVERSY IS BEFORE US.    AND I CAN TELL YOU

155

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1       WHEN -- NOTHING AGAINST THE RIVERSIDE LEA, BUT I  
2       CAN TELL YOU WHEN EAGLE MOUNTAIN BECOMES BEFORE ME,  
3       I'M GOING TO WANT A WHOLE LOT MORE THAN A CERTIFI-  
4       CATION OF A CHECKLIST WHEN I HAVE TO VOTE ON ONE OF  
5       THE LARGEST LANDFILLS IN HUMAN HISTORY, YOU KNOW.  
6       THAT'S JUST ONE EXAMPLE, BUT I COULD ALSO GIVE YOU  
7       FOUR, FIVE, OR SIX THAT WE'VE HAD BEFORE US IN THE  
8       LAST COUPLE OF YEARS THAT HAVE BEEN DARN TOUGH  
9       ISSUES WHERE THE LEA'S WORK HAS BEEN QUESTIONED  
10      AND -- BY PARTIES THAT I THINK THIS BOARD HAD TO  
11      LISTEN TO AND TAKE SERIOUSLY WHETHER OR NOT THE  
12      QUESTIONING WAS -- TURNED OUT TO BE CORRECT OR NOT.

13                SO I'M NOW PUT IN THIS POSITION WHERE  
14      WE'VE COME SO FAR THAT I HAVE TO BE AN ADVOCATE FOR  
15      THE BOARD'S PREROGATIVE. I DIDN'T EXPECT THAT SIX  
16      YEARS AGO. I GUESS THAT'S GOOD NEWS FROM A LOCAL  
17      GOVERNMENT STANDPOINT, THAT WE'VE EVOLVED TO THE  
18      POINT WHERE WE HAVE TO BE ASSURED THAT IT DOESN'T  
19      GET IMBALANCED IN THE OTHER DIRECTION.

20               MR. KOEPP: WELL, JUST SPEAKING PERSONALLY  
21      AS AN LEA, I SUPPORT YOUR BOARD'S CRITICAL REVIEW  
22      OF PERMITS AND WOULD EXPECT A HIGH LEVEL OF  
23      ACCOUNTABILITY BECAUSE IF YOU RAISE THE BAR, WHICH

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24        IS FINE, THEN WE ALL HAVE A LITTLE HIGHER TO JUMP,  
25        AND WE SHOULD BE EXPECTED. I ACTUALLY SEE THIS

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1 WITH THE CERTIFICATION, WE'RE SIGNING OUR NAME ON  
2 THE LINE AS OPPOSED TO PRESENTING A PERMIT. SO  
3 ACTUALLY THE BAR IS RAISED A LITTLE BIT WHERE WE'RE  
4 SIGNING A CERTIFICATION WHETHER, LIKE A WET STAMP,  
5 SET OF PLANS, WE HAVE SOME ACCOUNTABILITY NOW BEING  
6 BUILT IN WHICH IS A LITTLE BIT HIGHER. AND I WOULD  
7 ENCOURAGE YOUR BOARD TO CONTINUE.

8 FROM MY POINT OF VIEW OF RAISING THE  
9 BAR AS IT RELATES TO LEA AND DO CRITICAL REVIEW,  
10 THAT MAKES ALL PERFORM BETTER AND ACROSS THE STATE.  
11 SO I SUPPORT, I THINK, EXACTLY WHERE YOU'RE COMING  
12 FROM, BOARD MEMBER CHESBRO.

13 CHAIRMAN PENNINGTON: THANK YOU VERY MUCH.  
14 OKAY. NEXT IS PAM BENNETT.

15 MS. BENNETT: I GUESS I SHOULD SAY GOOD  
16 AFTERNOON, CHAIRMAN PENNINGTON AND MEMBERS OF THE  
17 BOARD. I'M JUST STARTING MY FIRST TERM AS THE  
18 CHAIR OF THE SOLID WASTE POLICY COMMITTEE. I'VE  
19 BEEN ON THE BOARD FOR FOUR YEARS, AND I'VE SEEN A  
20 LOT OF CHANGES OCCUR IN -- YOU MAY TALK ABOUT SOME  
21 OF THE PERMITS THAT OVER THE LAST FOUR OR FIVE  
22 YEARS MAY NOT HAVE BEEN ADEQUATE, BUT WHAT WE SEE  
23 IS, ESPECIALLY IN THE LAST YEAR OR TWO, THE QUALITY

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24 HAS COME UP TREMENDOUSLY, AND THAT'S BEEN A

25 COOPERATIVE EFFORT BETWEEN THE STATE AND THE



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1       LOCALS.

2                       I WANTED TO TELL YOU WHAT OUR  
3       COMMITTEE DOES. IT'S A SOLID WASTE POLICY  
4       COMMITTEE. WE REPRESENT THE CITIES AND THE  
5       COUNTIES THAT ARE LEA'S. WE COORDINATE WITH THE  
6       STATE ADMINISTRATIVE STAFF, AND DOROTHY ATTENDS OUR  
7       MEETING EVERY MONTH, AND RALPH ATTENDS  
8       OCCASIONALLY. WE MAKE RECOMMENDATIONS TO OUR  
9       EXECUTIVE COMMITTEE ON POLICY FOR THE CONFERENCE TO  
10      TAKE, AND WE ALSO REVIEW AND COMMENT ON PROPOSED  
11      LEGISLATION. IN SOME CASES WE EVEN TALKED ABOUT  
12      SPONSORING LEGISLATION THAT WE MAY FEEL IS  
13      NECESSARY.

14                     BUT AS DIRECTORS OF THE COUNTIES AND  
15      CITIES, WE EXPECT YOU TO HOLD US ACCOUNTABLE. WE  
16      DO NOT -- WE DON'T LIKE TO HAVE PEOPLE OUT THERE  
17      WHO AREN'T DOING THE JOB THAT YOU EXPECT. SO  
18      THAT'S WHY WE'D LIKE TO KEEP OPEN DIALOGUE WITH YOU  
19      AND NOT LET FOUR OR FIVE YEARS GO BY; BUT IF THERE  
20      IS A PERMIT, LET US KNOW EACH MONTH IF THERE'S  
21      SOMETHING AND MAYBE WE COULD START THAT PROCESS  
22      WITH THE FIRST PERMITS, EVERY MONTH A SMALL

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23 CRITIQUE OF WHAT MAY HAVE BEEN LACKING OR WHAT YOU  
24 MIGHT LIKE TO HAVE SEEN THAT WAS PRESENTED IN A  
25 DIFFERENT WAY OR MORE INFORMATION THAT COULD BE

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1       PRESENTED.   BECAUSE WE ABSOLUTELY EXPECT OUR STAFF  
2       TO PREPARE PERMITS THAT ARE ACCEPTABLE TO YOU.

3                   TODAY I HOPE THAT THE FACT THAT I HAD  
4       FOUR PERMITS, SAN BERNARDINO COUNTY HAD FOUR  
5       PERMITS ON THE CONSENT CALENDAR IS SOME  
6       ILLUSTRATION THAT WE ARE DOING SOMETHING RIGHT,  
7       THAT WE'RE PREPARING THINGS THAT ARE ADEQUATE AND  
8       MEET YOUR NEEDS.

9                   AND, LIKE I SAID, I WOULD WELCOME  
10      YOUR COMMENTS.   I'M SURE WE'RE GOING TO RECEIVE  
11      SOME TODAY, BUT DON'T LET IT BE JUST TODAY,  
12      INFORMALLY OR FORMALLY.   ALSO, YOU COULD SEND THEM  
13      THROUGH DOROTHY, OR I'LL BE WILLING TO COME UP AND  
14      MEET WITH YOU INDIVIDUALLY TO GET YOUR COMMENTS ON  
15      HOW THE PERMIT PROCESS IS GOING.

16                  IN CONCLUSION, WE AS DIRECTORS PLAN  
17      TO HAVE OUR STAFF PREPARE PERMITS THAT ARE  
18      ACCEPTABLE AND ALWAYS BETTER THAN THEY HAVE BEEN IN  
19      THE PAST, THE HIGH QUALITY THAT WILL BE ACCEPTABLE  
20      TO YOU FOR CONCURRENCE.   THANK YOU VERY MUCH.   ANY  
21      QUESTIONS?

22                  CHAIRMAN PENNINGTON:   ANY QUESTIONS OF MS.  
23      BENNETT?   THANK YOU.   NEXT IS KEN CALVERT.

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24 MR. CALVERT: THANK YOU, CHAIRMAN

25 PENNINGTON, MEMBERS OF THE BOARD. I'M KEN CALVERT

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1 WITH SAN DIEGO COUNTY LEA. I'M HERE ON BEHALF OF  
2 MY DIRECTOR. AND I'D LIKE TO AGAIN SPEAK IN  
3 SUPPORT OF THE AGENDA ITEM YOU HAVE BEFORE YOU.

4 I THINK THE RELATIONSHIPS THAT ARE  
5 EXPRESSED IN THAT AGENDA ITEM, THOSE HAVE BEEN  
6 WORKED OUT THROUGH A VARIETY OF PROCESSES. I THINK  
7 YOU'VE HEARD ABOUT PROCESS 2000, BUT ALSO LEA ROUND  
8 TABLES AND ALL THE VARIOUS WAYS THAT BOARD STAFF  
9 HAVE BEEN COMMUNICATING AND WORKING WITH LEA'S.

10 I THINK THE ROLES AND RELATIONSHIPS  
11 EXPRESSED THERE HAVE BEEN HARD EARNED AND SOMETIMES  
12 EVEN PAINSTAKINGLY ACHIEVED. AND THAT'S BEEN  
13 EARNED IN WORK GROUPS WITH INDUSTRY AND ALSO WITH  
14 ENVIRONMENTAL GROUPS IN THE IMPLEMENTATION OF TITLE  
15 27.

16 AND SOMEWHERE IN THAT PROCESS I THINK  
17 THAT LEA'S AND BOARD STAFF HAVE BECOME PARTNERS.  
18 AND IN SOME WAYS WE'VE DISCOVERED THOSE THINGS WE  
19 HAVE IN COMMON. WE'VE ALSO COME TO UNDERSTAND OUR  
20 DIFFERENCES.

21 ONE OF THE THINGS I'D LIKE TO AGAIN  
22 EXPRESS MY APPRECIATION AND SUPPORT FOR IS THE  
23 INCREASED ROLE AND TRAINING AND THE COMMITMENT TO  
24 TECHNICAL SUPPORT THAT THE BOARD HAVE EXPRESSED. I  
25 STILL BELIEVE THAT THAT'S THE BEST AND MOST

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1       EFFECTIVE WAY FOR THIS BOARD TO ACHIEVE ITS GOAL OF  
2       STATEWIDE CONSISTENCY IN THE PERMITTING PROCESS,  
3       AND I THINK FOCUSED AND CONSISTENT TRAINING BEST  
4       ENABLES ENVIRONMENTAL PROTECTION SIMPLY BECAUSE IT  
5       INCREASES THE ABILITY OF LEA'S WHO ARE AT THE LOCAL  
6       LEVEL TO DO THEIR JOBS.

7                       FROM OUR POINT OF VIEW, THIS PROCESS  
8       IS SIMPLY ASKING US TO CERTIFY SOMETHING THAT WE'VE  
9       BEEN RESPONSIBLE FOR ALL ALONG. AND WHAT'S NEW IS  
10      PERHAPS THE BOARD AND BOARD STAFF'S ACKNOWLEDGEMENT  
11      OF THAT ROLE.

12                     I GUESS I BELIEVE IN THIS PROCESS  
13      THAT'S ARTICULATED HERE. I THINK IT SAFEGUARDS THE  
14      ENVIRONMENT, IT HELPS PROTECT PUBLIC HEALTH AND  
15      SAFETY, AND YET I THINK IT HELPS TO AVOID SOME OF  
16      THE COSTLY AND UNNECESSARY OVERLAP AND DUPLICATION  
17      THAT'S INHERENT IN THIS PROCESS. I THINK THE  
18      PERMIT PROCESS FOR US IS THE MOST EXPENSIVE AND  
19      TIME-CONSUMING ACTIVITY THAT WE UNDERTAKE.

20                     I ALSO THINK THAT'S AS IT SHOULD BE,  
21      BUT I THINK WHERE THERE'S A CHANCE TO REDUCE  
22      OVERLAP, THERE'S A CHANCE TO AVOID DUPLICATION AND  
23      STILL LOWER COST, YET PROTECT THE ENVIRONMENT, I

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24        THINK WE SHOULD DO IT.

25                                I 'D JUST ENCOURAGE YOUR ENDORSEMENT  
                                     161



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1       OF THIS PACKAGE.  SOMETIMES PERHAPS THE LEA'S ARE  
2       SOMETIMES PERPLEXED AT THE BOARD'S HESITATION, BUT  
3       WE HAVE ENJOYED THE RELATIONSHIP THAT WE'VE WORKED  
4       THROUGH WITH BOARD STAFF.  I JUST THANK YOU.

5               CHAIRMAN PENNINGTON:  THANK YOU, MR.  
6       CALVERT?  ANY QUESTIONS OF MR. CALVERT?  THANK  
7       YOU.  NEXT IS LARRY SWEETSER.

8               MR. SWEETSER:  GOOD AFTERNOON.  LARRY  
9       SWEETSER, DIRECTOR OF REGULATORY AFFAIRS, NORCAL  
10      WASTE SYSTEMS.  I'VE BEEN WARNED BY MEMBERS OF THE  
11      AUDIENCE I HAVE TEN MINUTES AT THE MOST.

12              I WANT TO CONTINUE OUR SUPPORT OF THE  
13      AB 1220 PROCESS.  WE WERE THERE IN THE BEGINNING OF  
14      IT AND FULLY ENDORSE THOSE CONCEPTS, ESPECIALLY THE  
15      REMOVAL OF DELINEATION AND OVERLAP BETWEEN  
16      AGENCIES.

17              WE MAY BE NAIVE IN THINKING THAT WE  
18      CAN ESTABLISH CLEAR LINES OF AUTHORITY BETWEEN  
19      AGENCIES, BUT WE'RE GOING TO KEEP TRYING TO GET  
20      THAT OUT THERE BECAUSE I THINK IT HELPS EVERYONE TO  
21      HAVE A CLEAR UNDERSTANDING OF WHAT WE'RE SUPPOSED  
22      TO DO AND NOT SUPPOSED TO DO AS OPPOSED TO TWO  
23      PEOPLE TELLING US TO DO DIFFERENT THINGS.  THAT  
24      HAPPENS TOO OFTEN.

25              WE'RE ALSO BIG SUPPORTERS OF THE LEA

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1       CONCEPT. I THINK IT'S MORE TO A SOLID WASTE  
2       FACILITY OPERATION THAN WHAT YOU WILL SEE IN THE  
3       PUBLIC RESOURCES CODE OR TITLE 14. A LOT OF THINGS  
4       NEED TO BE TAKEN INTO ACCOUNT, AND A LOCAL PRESENCE  
5       DOES THAT FOR US. I THINK IT ALSO SATISFIES A LOT  
6       OF THE PUBLIC'S CONCERN THAT THERE'S SOMEBODY LOCAL  
7       THEY CAN CALL AND GO TO FOR CONCERNS AND ISSUES. I  
8       THINK IT'S A PROCESS THAT NEEDS TO CONTINUE. I  
9       DON'T THINK WE'RE GOING TO GET TOO FAR AWAY FROM  
10      THAT.

11                   WE'RE ALSO SUPPORTIVE AND COMFORTABLE  
12      WITH THE CHANGES PROPOSED IN THIS PACKAGE AS FAR AS  
13      WHAT'S GOING ON WITH THE PROCESS. I THINK IT'S  
14      JUST A SMALL STEP IN THAT DIRECTION. I DON'T THINK  
15      A DRAMATIC CHANGE IS HAPPENING, BUT I THINK WHAT  
16      YOU'RE SEEING IS PROGRESS. IT'S SLOW AND STEADY,  
17      BUT I THINK WE'RE GETTING THERE. THE EXAMPLE IS  
18      THE TRAINING PROGRAM THAT'S GOING ON WITH LEA'S.  
19      TO SOME EXTENT YOU'VE INVOLVED US AS OPERATORS, AND  
20      I THINK THAT'S BEEN EXTREMELY HELPFUL TO HAVE ALL  
21      THREE PARTIES IN THE SAME ROOM TRYING TO UNDERSTAND  
22      THE SAME ISSUES.

23                   THE PROCESS ITSELF FOR REVIEW I THINK

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24 HAS BEEN SUCCESSFUL FOR YEARS. THE BOARD HAS BEEN  
25 APPROVING MANY PERMITS. YOU GET MANY PERMITS THAT

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1 ARE ON CONSENT CALENDARS. A LOT OF ISSUES ARE  
2 ADDRESSED. THE REASON I THINK YOU'RE SEEING THE  
3 ISSUE NOW IS -- WE'LL ADMIT ALSO THAT NOT ALL LEA'S  
4 ARE PERFECT, BUT I THINK MOST ARE REASONABLE, MOST  
5 ARE FAIRLY COMPETENT. BUT IF NOT, YOU HAVE TOOLS  
6 UNDER THEIR CERTIFICATION TO GO AFTER THEM.

7 WHAT YOU'RE SEEING, I THINK, IS MORE  
8 OF A FUNDAMENTAL FLAW IN THE PROCESS. I POINTED  
9 THAT OUT A NUMBER OF MONTHS AGO. YOU ARE SEEING A  
10 LOT OF THE WORK NOW A LITTLE BIT MORE PUBLICLY OF  
11 WHAT GOES INTO GETTING THESE PERMITS CRAFTED AND  
12 PRESENTED TO YOU. DESPITE HOW LEA'S KNOW OUR  
13 SITES, THEY'RE OUT THERE EVERY MONTH. WE STILL  
14 SPEND A LOT OF TIME ARGUING WITH THEM OVER WHAT  
15 SHOULD AND SHOULDN'T BE IN WRITING. THERE'S A LOT  
16 OF CONCERN ON THOSE OF US AS OPERATORS ON PUTTING  
17 THINGS IN WRITING SO ONCE THEY'RE IN WRITING,  
18 THEY'RE BINDING, THEY'RE ENFORCEABLE, AND THOSE  
19 ISSUES ARE OUT THERE.

20 SO EVEN WITH THEIR FAMILIARITY, WE  
21 SPEND A LOT OF TIME ARGUING. I THINK WHAT YOU'VE  
22 SEEN PRESENTED IS A FEW PERMITS WHERE THAT PROCESS  
23 HAS NOT TAKEN PLACE DUE TO LACK OF TIME, AS WELL

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AS

24       A FEW OTHER ISSUES.

25                       RECENTLY ON OUR PERMIT ALSO YOU SAW

A

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1       NUMBER OF ISSUES THAT WE WERE RAISING. THAT WAS  
2       UNUSUAL FOR US, BUT WE HAD NO CHOICE TO RAISE AS  
3       FAR AS INCONSISTENCIES BETWEEN AGENCIES. AND WE  
4       WERE DEBATING TERMS AND CONDITIONS IN OUR PERMIT.  
5       A PERMIT IS NOT THE APPROPRIATE PLACE TO BE DOING  
6       THAT. I'VE SAID IT BEFORE AND I'LL KEEP SAYING  
7       THAT, BUT WE HAD TO DO THAT BECAUSE THERE ISN'T  
8       CLEAR DELINEATION OF THOSE ISSUES. AND I DON'T  
9       THINK THAT'S INDICATIVE OF THE WASTE BOARD STAFF OR  
10      THE LEA'S FOR THE MOST PART. IT'S NOT THE  
11      PERSONALITY ISSUE THERE OR EVEN US WITH OPERATORS.

12                I THINK WE NEED TO GET INTO THE  
13      PROCESS ISSUE, AND I THINK THE BOARD IS GETTING  
14      THERE THROUGH A NUMBER OF MECHANISMS AS FAR AS WHAT  
15      IS A PERMIT. AND THAT'S PART OF WHAT THE PCP  
16      PROGRAM IS ADDRESSING; AND I THINK ONCE THAT  
17      PROGRAM GETS UNDER WAY AND WE START ADDRESSING WHAT  
18      ACTUALLY A SOLID WASTE PERMIT IS, YOU WILL START  
19      SEEING LESS OF THESE PROBLEMS OUT THERE. AND THAT  
20      PROPOSAL, I THINK, IS STARTING.

21                YOU'VE HAD A LOT OF MEETINGS WITH THE  
22      LEA'S AND THE BOARD STAFF TRYING TO GET SOME  
23      CONSENSUS. I UNDERSTAND THE NEED TO DO THAT WITH

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24        THEM FIRST, BUT I HOPE YOU DON'T WAIT TOO LONG

25        BEFORE YOU INVOLVE THOSE OF US AS OPERATORS OR EVEN

165



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1 THE PEOPLE WE HAVE PREPARING THOSE DOCUMENTS, SO WE  
2 CAN UNDERSTAND UP FRONT WHAT GOES INTO A DOCUMENT  
3 AS OPPOSED TO LATER WHEN A DOCUMENT HAS BEEN  
4 SUBMITTED, WE'RE ON A CLOCK, AND THEN THESE ISSUES  
5 COME BACK TO US. I THINK THAT'S A CRITICAL PORTION  
6 OF IT.

7 WE ALSO NEED THE DEFINITIONS OF WHAT  
8 IS SUPPOSED TO BE IN THE PERMIT, WHAT IS OUT OF THE  
9 PERMIT. YOU ARE GOING CONTINUE TO SEE THAT  
10 CONTROVERSY UNTIL THIS ISSUE IS SETTLED, AND I  
11 SUSPECT IT WILL GET EVEN HOTTER THAN SOME OF THE  
12 ONES IN THE PAST.

13 WE MAY ALSO NEED TO REVISIT SOME OF  
14 THE ISSUES WE'VE LOOKED AT, AND I THINK WHAT HAS  
15 BROUGHT THIS WHOLE ISSUE TO LIGHT MORE FOR YOUR  
16 STANDARDIZED TIERS WHERE YOU ARE UNDER LESS TIME  
17 CONSTRAINTS THAN YOU HAD BEFORE, AND THINGS GET  
18 FORCED UPON YOU THAT AREN'T QUITE READY. PART OF  
19 THAT IS PEOPLE NEED THESE THINGS FASTER, PART OF IT  
20 IS JUST THAT THEY'RE JUST NOT PREPARED PROPERLY.  
21 AND THAT IS NOT AS MUCH AN LEA OR EVEN AN OPERATOR  
22 ISSUE AS WE JUST DON'T KNOW IN SOME CASES HOW TO  
23 PREPARE THOSE DOCUMENTS.

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24 THE OTHER THING TO POINT OUT IS THAT  
25 UNDER AB 1220, WE'VE CREATED THE JOINT TECHNICAL  
166

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1 DOCUMENTS. YOU HAVEN'T SEEN TOO MANY OF THOSE YET.  
2 YOU WILL BE SEEING MORE OF THOSE ON THE LANDFILL  
3 SIDE. THOSE DOCUMENTS HELP US. IT'S ONE DOCUMENT  
4 WE PREPARE INSTEAD OF TWO, ONE COST INSTEAD OF TWO.  
5 WE DON'T HAVE TO PAY CONSULTANTS TO CUT AND PASTE  
6 THESE THINGS IN DIFFERENT PLACES. THERE'S GOING TO  
7 BE SOME DANGERS WITH THAT, AND YOU ARE GOING TO BE  
8 SEEING INFORMATION IN THERE YOU MAY NOT HAVE SEEN  
9 BEFORE THAT IS WATER BOARD RELATED. HOW YOU PUT  
10 THE BLINDERS ON PEOPLE TO LOOK AT THAT INFORMATION  
11 IS GOING TO BE VERY DIFFICULT.

12 FROM OUR PERSPECTIVE, WE'RE NOT  
13 ASKING THAT YOU ENTIRELY PUT BLINDERS ON, THAT YOU  
14 CAN'T LOOK AT THE INFORMATION. BY ALL MEANS LOOK  
15 AT IT, GET SOME CLARITY OVER WHAT THAT INFORMATION  
16 IS, BUT DON'T USE IT FOR DECISION-MAKING. DON'T  
17 USE IT TO DECIDE ON A PERMIT OR NOT. THAT'S WHAT  
18 1220 WAS FOR IS TO GET THAT DELINEATION BETWEEN THE  
19 AGENCIES.

20 AND IT DOESN'T MEAN THAT BOARD  
21 MEMBERS CAN'T ASK QUESTIONS. WE'VE BEEN IN MANY  
22 MEETINGS WITH YOU WHERE YOU'VE RAISED SOME VERY  
23 IMPORTANT QUESTIONS THAT HADN'T BEEN BROUGHT TO

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24       LIGHT EARLIER.   WE APPRECIATE THAT.   I KNOW THE

25       LEA'S SHOULD APPRECIATE THAT AS WELL.   I DON'T

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1 THINK THIS PROCESS TAKES THAT AWAY. IT JUST MAY  
2 MEAN YOU ASK THE PERSON THAT'S MORE DIRECTLY  
3 INVOLVED BECAUSE MANY TIMES THE QUESTION YOU ASK OF  
4 US OR THE LEA OR THE BOARD STAFF IS ACTUALLY -- THE  
5 ANSWERS ARE COMING BACK FROM THE LEA'S.

6 SO I THINK OVERALL WE'RE SUPPORTING  
7 THE 1220 CONCEPT BY CONTINUING SUPPORT OF THIS  
8 PACKAGE. I THINK WE NEED TO GET THOSE DEFINITIONS  
9 IN PLACE AS SOON AS WE CAN OVER WHAT'S IN OUR  
10 PERMITS TO ELIMINATE SOME OF THE PROBLEMS THAT  
11 YOU'VE ENCOUNTERED LATELY. AND I THINK THAT'S  
MORE

12 THE SOURCE OF THE PROBLEM THAT YOU'VE SEEN THAN  
13 PERSONALITIES OF CERTAIN INDIVIDUALS.

14 SO LET'S SET THE STANDARDS. LET'S  
15 SET THE RULES, MAKE SURE WE ALL KNOW WHAT THEY  
ARE.

16 AND I THINK YOUR JOB WILL BE A LOT EASIER, AND I  
17 KNOW MINE WILL TOO. THANK YOU.

18 CHAIRMAN PENNINGTON: ANY QUESTIONS OF  
MR.

19 SWEETSER? IF NOT, WE'LL HEAR FROM OUR FINAL  
20 PERSON, CLINT WHITNEY.

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21                   MR. WHITNEY:   GOOD AFTERNOON, CHAIRMAN  
22           PENNINGTON AND BOARD MEMBERS.   IT'S RATHER  
23           FORTUITOUS THAT I WAS EVEN UP HERE TODAY BECAUSE I  
24           DIDN'T KNOW THIS DISCUSSION WAS GOING ON.   BUT  
25           SINCE I HAVE HAD SOME EXPERIENCE ON BOTH SIDES OF

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1 THE EQUATION, I THOUGHT I MIGHT MAKE A COUPLE OF  
2 OBSERVATIONS THAT MIGHT BE HELPFUL TO YOU IN THIS  
3 DISCUSSION.

4 THE FIRST IS THAT I THINK IT'S  
5 REMARKABLE THAT YOU'RE EVEN HAVING THIS DISCUSSION  
6 GIVEN THE EVOLUTION OF AB 939. AS YOU RECALL OR AT  
7 LEAST MY BEST RECOLLECTION OF THE RESULT OF AB 939,  
8 IT REALLY SPOKE TO THE RECYCLING PART OF THIS  
9 BUSINESS PRIMARILY. THE ENFORCEMENT PART WAS  
10 PRETTY MUCH LEFT INTACT.

11 WHAT YOU'VE SEEN THEN OVER THE YEARS  
12 HAS BEEN AN EVOLVING ATTENTION TO THAT ENFORCEMENT  
13 SIDE. AB 59, AB 1220 BEING REMARKABLE EFFORTS IN  
14 THAT REGARD. AND NOW YOU'RE SEEING, I THINK,  
15 LEADERSHIP ON THE PART OF THE BOARD TO ADDRESS  
16 THOSE COMPONENTS THAT SHOULD GO TOGETHER. AND THIS  
17 IS AN ADMINISTRATIVE DECISION BEFORE YOU, BUT  
18 NONETHELESS I THINK AN IMPORTANT ONE THAT IS QUITE  
19 CONSISTENT WITH THE EVOLUTION OF AB 939 OVER THE  
20 LAST, WHAT, EIGHT YEARS, SEVEN YEARS NOW.

21 AND I THINK IT'S TO YOUR CREDIT THAT  
22 YOU'RE PROVIDING SOME LEADERSHIP HERE IN EVEN  
23 HAVING THIS DISCUSSION. I THINK IT'S A HEALTHY  
24 DISCUSSION. FROM MY POINT OF VIEW, I BELIEVE THAT  
25 YOU HAVE THE TOOLS TO MAKE SURE THAT THE DECISIONS

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1 ARE AS GOOD AS THEY CAN BE BOTH AT THE LOCAL LEVEL  
2 AND THE STATE LEVEL.

3 FIRST OF ALL, THE LEA'S ARE AN  
4 EXTENSION OF YOU. THEY ARE NOT INDEPENDENT BODIES.  
5 THEY'RE CERTIFIED, THEY ARE TRAINED, THEY GET THE  
6 TECHNICAL SUPPORT. AND I'VE BEEN WORKING WITH  
7 CLIENTS THIS LAST YEAR PLUS IN WHICH THAT TECHNICAL  
8 SUPPORT, FEEDBACK, CONCERNS, A LOT OF ISSUES CAME  
9 UP THAT JUST WE DIDN'T EXPECT, BUT HAD TO BE  
10 RESOLVED. THAT TIGHTENED UP THE SYSTEM SO THAT  
11 WHEN IT GOT TO YOU, YOU HAD A BETTER PRODUCT. SO  
12 THEY'RE NOT INDEPENDENT. THEY'RE YOUR AGENT. THEY  
13 SHOULD BE SEEN AS AN EXTENSION OF YOUR STAFF, AS  
14 PART OF YOUR STAFF.

15 AND YOUR JOB, IN MY OPINION, IS TO  
16 CERTIFY THEM, TO TRAIN THEM, TO PROVIDE TECHNICAL  
17 SUPPORT TO THEM, REVIEW THEIR WORK, APPROVE THEIR  
18 WORK WHEN THAT'S APPROPRIATE, AND THEN EVALUATE  
19 PERFORMANCE. AND I THINK WHEN YOU GET TO THE  
20 EVALUATE PERFORMANCE, YOU ALSO SPEAK TO YOUR OWN  
21 STAFF'S PERFORMANCE IN EVALUATION. YOU NEED TO  
22 DEVELOP THE TOOLS TO UNDERSTAND WHAT YOUR STAFF  
23 DOES IN REVIEWING THESE DOCUMENTS THAT ARE  
24 SUBMITTED APPROPRIATELY BY THE LEA IN COMPLETE FORM  
25 AS THE LAW REQUIRES. AND WE KNOW THAT THAT DOESN'T

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1 ALWAYS HAPPEN PERFECTLY, AND THAT'S WHAT YOUR STAFF  
2 IS FOR IS TO POINT OUT THOSE IMPERFECTIONS AND WORK  
3 WITH THOSE LEA'S SO THAT WHEN THOSE DOCUMENTS DO  
4 COME BEFORE YOU, THEY'RE AS GOOD AS THEY CAN BE  
5 DEALING WITH NOT ONLY THE LEGAL AND TECHNICAL  
6 ISSUES OF THE LAW, BUT THE PRACTICAL REALITIES OF  
7 IN THE FIELD.

8 AND I'VE HAD SOME HANDS-ON EXPERIENCE  
9 NOW OUT IN THE FIELD, AND I CAN TELL YOU THOSE ARE  
10 VERY, VERY IMPORTANT CONSIDERATIONS. IT'S ONE  
11 THING TO DEAL WITH THESE THINGS IN THE ABSTRACT;  
12 IT'S QUITE ANOTHER TO DEAL WITH THESE OUT IN THE  
13 FIELD.

14 I THINK YOUR JOB IS TO REVIEW, NOT TO  
15 DO. IF YOU TAKE A LOOK AT YOUR STAFF, FOR EXAMPLE,  
16 I DON'T BELIEVE THAT YOU HAVE THE HANDS-ON  
17 EXPERIENCE TO KNOW WHAT THESE LEA'S KNOW ABOUT  
18 THESE FACILITIES OUT THERE. YOU HAVE IN MY -- I  
19 DON'T KNOW ALL OF YOUR STAFF -- IN MY EXPERIENCE  
20 WITH STAFF HERE, CAPABLE, INTELLIGENT, HARDWORKING  
21 PEOPLE, BUT VERY FEW OF THEM WITH ANY EXPERIENCE  
22 OUT IN THE FIELD RUNNING A LANDFILL, MRF, TRANSFER  
23 STATION, HAULING COMPANY, OR OTHERWISE. I WOULD

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24        THINK THEY'RE IN THE VAST MINORITY THAT HAVE THAT  
25        KIND OF EXPERIENCE.

171

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1                   THESE LEA'S, WHILE THEY MAY NOT HAVE  
2       THAT DIRECT EXPERIENCE, THEY'RE AS CLOSE AS YOU CAN  
3       GET TO THOSE FUNCTIONS AND STILL BE A REGULATOR.  
4       SO I THINK THAT PERSPECTIVE IS QUITE IMPORTANT TO  
5       YOU.

6                   FINALLY, AND MY LAST REMARK, IS I  
7       THINK THIS REALLY COMES DOWN TO NOT A PROCESS  
8       ISSUE, BUT A PERFORMANCE ISSUE. AND IF YOU DEVELOP  
9       THE TOOLS BY WHICH TO EVALUATE YOUR STAFF'S  
10      PERFORMANCE IN BRINGING THESE PERMITS FORWARD AND  
11      THE LEA'S PERFORMANCE IN CREATING THOSE PERMITS IN  
12      THE FIRST PLACE, THEN I THINK YOU HAVE A PRETTY  
13      SOUND SYSTEM OF CHECKS AND BALANCES IN WHICH YOU  
14      WILL NOT SEE THE KIND OF ISSUE THAT MR. JONES  
15      RAISED WHERE THE LEA WAS IGNORANT OF SOMETHING.  
16      THAT SHOULD HAVE BEEN WORKED OUT IN THIS CHECKS AND  
17      BALANCE SYSTEM BY THE STAFF AND THE LEA BEFORE IT  
18      EVER GOT TO YOU. THAT'S THE PERFECT WORLD, THAT  
19      THESE PERMITS COME TO YOU COMPLETE AND THOROUGH AND  
20      CONSISTENT WITH THE LAW.

21                  IF YOU WANT FURTHER INSIGHT INTO THE  
22      EAGLE MOUNTAINS OF THE WORLD BECAUSE YOU ARE  
23      CONCERNED ABOUT THE SIZE OF THAT MEGA LANDFILL,

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24        THAT'S A DIFFERENT MATTER, BUT IT DOESN'T MATTER IF

25        IT'S A MEGA LANDFILL OR A 50-TON OR 200-TON-A-DAY

172

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1 LANDFILL. THE PROCESS IS THE SAME. BUT THE  
2 PERCEPTION OF THAT IS DIFFERENT, AND MAYBE YOU NEED  
3 TO DEVELOP SOME TOOLS TO GET BETTER INSIGHT INTO  
4 SOME OF THOSE AREAS OF CONCERN ABOUT SIZE AND  
5 TRANSPORTATION AND IMPORT AND EXPORT AND THOSE  
6 OTHER MATTERS. MIGHT BE A DIFFERENT MATTER THAN  
7 SIMPLY PROCESSING THE PERMIT AND MAKING SURE THAT  
8 THE LEGAL I'S AND T'S ARE CROSSED PROPERLY.

9 CHAIRMAN PENNINGTON: THANK YOU.

10 QUESTIONS?

11 BOARD MEMBER CHESBRO: I CAN TELL YOU THAT  
12 I'M NOT GOING TO BE SATISFIED TO WAIT UNTIL THE --  
13 AGAIN, WE'RE USING AN EXAMPLE, AND I'M SURE THE  
14 RIVERSIDE LEA IS DOING A GREAT JOB, BUT JUST  
15 BECAUSE OF THE SIZE OF THE LANDFILL, I'M ZEROING IN  
16 ON THAT AS AN EXAMPLE. I'M NOT GOING TO BE  
17 SATISFIED TO WAIT UNTIL THE SUBSEQUENT LEA  
18 EVALUATION TO DETERMINE WHETHER OR NOT WE HAVE AN  
19 ADEQUATE PERMIT BEFORE US WHEN I HAVE SOMETHING OF  
20 THAT MAGNITUDE BEFORE ME.

21 AND SO THERE'S -- BOTH ARE NECESSARY  
22 AND THEY CONTINUE TO BE. AND AS THE PERSON WHO'S  
23 REQUIRED UNDER STATUTE TO MAKE THIS FINAL

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24 CONCURRENCE OR NOT, YOU KNOW, I'VE GOT TO HAVE THAT  
25 CRUCIAL INFORMATION IN MY HANDS.



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1 MR. WHITNEY: I AGREE.

2 CHAIRMAN PENNINGTON: ANY OTHER QUESTIONS  
3 OF MR. WHITNEY?

4 BOARD MEMBER RELIS: NOT A QUESTION OF  
5 MR. WHITNEY.

6 CHAIRMAN PENNINGTON: MR. RELIS.

7 BOARD MEMBER RELIS: I'VE BEEN LISTENING  
8 TO THIS DISCUSSION AND TO THE TESTIMONY AND LOOKING  
9 SPECIFICALLY, WHAT JUMPS OUT AT ME IS PAGE 6,  
10 CENTER OF THE PAGE, ROUGHLY PARAGRAPH BEGINNING --  
11 NOT PARAGRAPH, LINE BEGINNING "DIVISION MANAGEMENT  
12 HAS SOUGHT STAFF INVOLVEMENT IN THIS CHANGE  
13 PROCESS, HAS PUT FORWARD THE PERSPECTIVE THAT THERE  
14 IS AS MUCH IMPORTANT WORK TO BE DONE, IF NOT  
15 MORE -- THERE IS AS MUCH IMPORTANT WORK TO BE DONE,  
16 IF NOT MORE. IT IS SIMPLY A MATTER OF SHIFTING  
17 WHEN THAT WORK OCCURS. IN OTHER WORDS, ULTIMATELY  
18 IT IS MORE EFFECTIVE TO WORK HAND IN HAND WITH THE  
19 LEA UP FRONT WHEN A PROJECT IS BEING PROPOSED AND  
20 DEVELOPED THAN IT IS TO CRITIQUE AND SECOND-GUESS  
21 THE DECISIONS AND CHOICES OF THE LEA WHEN THE  
22 60-DAY CLOCK IS TICKING."

23 THAT COMMENT OR THAT OBSERVATION  
24 SEEMS TO POINT ME IN THE DIRECTION OF THE QUESTION  
25 OF THAT'S AN ASSISTANCE ROLE THAT STAFF HAS

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1 DESCRIBED THAT IT COULD PLAY, AND LET'S JUST SAY A  
2 PERMIT, AND WE'LL SAY A CONTROVERSIAL PERMIT. I  
3 THINK IT'S NOT TRANSPARENT MAYBE TO SOME OF US WHAT  
4 TYPE OF INTERACTION WOULD GO ON THERE. WHEN WE  
5 TALK ABOUT ASSISTANCE, AND IS THAT A BLENDING OF  
6 ASSISTANCE AND, QUOTE, UNQUOTE, REVIEW?

7 MS. RICE: WELL, LET ME --

8 BOARD MEMBER RELIS: LET ME JUST COMPLETE  
9 THE THOUGHT HERE. I BELIEVE THAT, AND I'VE PRESSED  
10 THIS BEFORE IN EARLIER SESSIONS GOING BACK SEVERAL  
11 YEARS, THAT THE CRUX OF OUR WORK IS GOING TO DEPEND  
12 ON THIS TRANSPARENCY OF THIS LEA EVALUATION  
13 PROCESS. THAT'S SEPARATE FROM A PERMIT BEFORE US,  
14 BUT THAT SPEAKS TO THE WHOLE, AND I'VE USED THE  
15 TERM "CREDIBILITY" OF THIS SHIFT FROM STATE TO  
16 PUTTING MORE AUTHORITY AT THE LOCAL LEVEL WITH THE  
17 CERTIFICATION.

18 I DON'T THINK THAT THE LEA  
19 PERFORMANCE FRAMEWORK IS AS YET, AT LEAST TO ME,  
20 TRANSPARENT. I DON'T KNOW WHAT SPECIFICALLY WILL  
21 OCCUR AT THAT POINT. SO I'M WONDERING, AND THIS  
22 IS  
23 A DISCUSSION ITEM TODAY, WHETHER IT WOULD HELP  
IN  
THE COMMENTS WESLEY MADE, STEVE MADE, I'M

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RAISING

24 TO WALK US THROUGH AGAIN A SITUATION, A NUMBER  
OF

25 SITUATIONS THAT HAVE TROUBLED BOARD MEMBERS ON  
175

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1 OCCASION WHEN THERE HAS BEEN A PERMIT, HIGH  
2 DISTRESS PERMIT ISSUE. WHAT WILL HAPPEN? WHAT  
3 WILL WE SEE THAT'S -- WHAT IS THE FEAR ABOUT IT  
4 BEING INCOMPLETE, LET'S JUST SAY, OR WHAT WILL  
5 STAFF DO? SHOULD THEY SEE IN THEIR INTERACTION  
6 WITH THE LEA SOME THINGS AMISS, AND YOU'RE USING  
7 THIS TERM "WALKING HAND IN HAND" PLAYING A  
8 TECHNICAL SUPPORT ROLE, WHAT WILL YOU DO IN THAT  
9 CASE?

10 MS. RICE: LET ME TRY. YOU'VE SAID A LOT  
11 OF THINGS, AND I'LL TRY TO PICK THEM UP AS BEST I  
12 CAN. YOU STARTED BY READING THE SECTION FROM THE  
13 REPORT. THE ONLY POINT I WAS TRYING TO MAKE THERE  
14 IS THAT IN THE LONG RUN, MAYBE NOT TODAY FOR ALL  
15 LEA'S, IF YOU ADDRESS THE QUESTIONS THAT THEY HAVE  
16 ABOUT PUTTING THE PERMIT TOGETHER, THE ISSUES THAT  
17 SHOULD BE ADDRESSED SIX MONTHS BEFORE IT HITS THE  
18 BOARD, WE'RE ALL BETTER OFF. AND TO ME THAT MEANS  
19 IF THEY NEED THAT LEVEL OF ASSISTANCE, THAT MY  
20 STAFF GO DOWN THERE, SIT DOWN WITH THEM, GET TO  
21 KNOW THE FACILITY, WHAT THE QUESTIONS ARE, AND  
22 TOGETHER WE WORK ON PREPARING THE PERMIT. THAT'S  
23 AN EXTREME OF TECHNICAL ASSISTANCE AND SUPPORT.

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24       AND THE LEVEL OF WHAT'S NEEDED WILL VARY FROM LEA  
25       TO LEA.   SOME MAY NEED NO SUCH THING.   THEY KNOW

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1 THE REGULATIONS; THEY KNOW WHAT'S REQUIRED; THEY  
2 KNOW THE FACILITY, AND THINGS COME IN FAIRLY  
3 CLEANLY.

4 SO WHAT WE'RE TALKING ABOUT IS FOR  
5 EACH LEA, DETERMINING WHAT IS THE LEVEL OF  
6 ASSISTANCE THAT THEY NEED SO THAT THE PRODUCT THAT  
7 COMES FORWARD IS AS BEST AS IT CAN BE. AND WE'RE  
8 TRYING TO DISTINGUISH BETWEEN THE EVALUATION AND  
9 THE GRADING FUNCTION AND THAT SUPPORT. IN OTHER  
10 WORDS, IT'S NOT WRONG TO ASK FOR THAT HELP SO LONG  
11 AS YOU DID IT SIX MONTHS BEFORE THE PERMIT COMES IN  
12 THE DOOR AND YOU'RE TRYING TO GET IT RIGHT, AND  
13 YOU'RE TRYING TO LEARN IN THE PROCESS SO THAT NEXT  
14 TIME IT TAKES LESS TIME.

15 WE'RE IN A PROCESS. SO THAT'S AN  
16 IDEAL, THAT'S A GOAL, THAT EVERYTHING THAT COMES IN  
17 THE DOOR WOULD BE CLEAN BECAUSE WE'VE SPENT THE  
18 TIME AS BOARD STAFF, THE LEA HAS SPENT THE TIME AS  
19 A PROFESSIONAL AT THE LOCAL LEVEL TRYING TO DO IT  
20 AS BEST THEY CAN.

21 WHILE THIS IS ALL GOING ON, WE'VE GOT  
22 PERMITS COMING IN THE DOOR EVERY MONTH, AS YOU  
23 KNOW. AND SOME OF THEM MAY NOT HAVE HAD THIS LEVEL

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24        OF WORK ON THEM, AND MANY OF THEM MAY NOT COME IN  
25        PERFECT.    YOU SEE THAT HAPPEN.



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1                   ONE POINT I WOULD LIKE TO MAKE, AND I  
2       TRIED TO MAKE IT IN MARTINEZ AS WELL, ABOUT THIS  
3       LEVEL OF PERFECTION OF THE LEA AND WHETHER THINGS  
4       WILL OR ARE GOING TO COME IN PERFECT. THAT'S SUCH  
5       A SUBJECTIVE THING TO IMAGINE.

6                   BOARD MEMBER RELIS: I THROW OUT THE WORD  
7       "PERFECTION." WE'RE NOT IN THE PERFECTION.

8                   MS. RICE: GOOD, SAY GOOD, REAL GOOD, GOOD  
9       STUFF, GOOD PERMIT. MORE OFTEN THAN NOT THE  
10      SITUATION I'M IN IS NOT ONE WHERE THE LEA HAS  
11      SUBMITTED SOMETHING SHODDY, AND WE'RE CRITIQUING IT  
12      AND POINTING THOSE SHODDY ISSUES OUT TO THE BOARD.  
13      MORE OFTEN THAN NOT, WE'RE IN THE GRAY AREA WHERE  
14      MY STAFF SAY TO ME, "THERE'S SOMETHING IN HERE I  
15      VIEW DIFFERENTLY. I VIEW IT LIKE THIS." I LOOK AT  
16      IT AND I'M THINKING, OH, GOD. I CAN SEE WHAT THE  
17      LEA MEANT; I CAN SEE WHAT MY STAFF MEANS. WE HAVE  
18      AN HONEST PROFESSIONAL DISAGREEMENT HERE, AS WE HAD  
19      IN THE MARTINEZ BOARD MEETING, OVER THE CONCURRENCE  
20      OF FINDING OF CONFORMANCE, PLAN CONFORMANCE FOR  
21      THAT COMPOST FACILITY.

22                   BOARD STAFF RECOMMENDED OBJECTION.  
23      WE FELT IT HAD NOT BEEN APPROPRIATELY DONE. THE

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24 LEA AND THE OPERATOR FELT IT HAD BEEN. AND

25 ULTIMATELY THE BOARD WAS SPLIT ON THE MATTER. SO  
178

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1       THESE KIND OF JUDGMENT CALLS COME UP VERY  
2       FREQUENTLY, AND IT'S VERY EASY IN RETROSPECT TO SAY  
3       WHAT THAT MEANS IS THE LEA DID NOT DO A GOOD JOB OR  
4       BECAUSE THINGS WEREN'T REAL CLEAN IN THE BOARD  
5       MEETING, BUT THAT'S NOT WHAT IT SAYS TO ME.  WHAT  
6       IT SAYS TO ME IS THAT WE'RE IN A PROCESS.  A LOT OF  
7       THINGS ARE HAPPENING VERY QUICKLY.

8                       ON THE STANDARDIZED PERMITS, WE HAVE  
9       VERY LITTLE TIME TO TURN AROUND.  WE'RE TRYING AS  
10      BEST WE CAN TO WORK COOPERATIVELY WITH THAT LEA AND  
11      THAT OPERATOR, AND SOMETIMES WE GET DOWN TO THE  
12      POINT WHERE WE HAVE A DIFFERENCE OF OPINION.  AND  
13      IT DOESN'T MAKE THEM LESS OF A PROFESSIONAL THAN MY  
14      STAFF.  AND THIS WHOLE NOTION THAT SOMEHOW STATE  
15      STAFF ARE THAT MUCH MORE ABLE TO PROVIDE THIS  
16      CRITICAL REVIEW, I HAVE GREATLY VALUED THE INSIGHT  
17      AND THE KNOWLEDGE THAT I HAVE OBTAINED FROM MANY  
18      LEA'S, WHO, AS YOU CAN SEE FROM THE FOLKS IN THE  
19      ROOM AND ELSEWHERE COMBINED, HAVE MANY MORE YEARS  
20      EXPERIENCE THAN MANY OF OUR STAFF DO, AND THAT'S  
21      NOT TO DISPARAGE STATE STAFF.  I HAVE WONDERFUL  
22      STAFF, AND I'M VERY PROUD OF THE WORK THAT THEY DO.  
23      BUT IT'S OFTEN A MATTER OF LISTENING TO BOTH SIDES

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24       AND FIGURING OUT WHAT MAKES SENSE FOR THE PERMIT.

25                       SO I SEE THAT WE'RE IN AN ITERATIVE  
179

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1       PROCESS.  I NEVER INTENDED TO SAY ANYTHING IN THIS  
2       ITEM OR THE PRIOR ITEMS TO GIVE BOARD MEMBERS THE  
3       IMPRESSION THAT WE DO NOT TAKE VERY, VERY SERIOUSLY  
4       OUR RESPONSIBILITY TO MAKE A RECOMMENDATION TO YOU.  
5       AND WE'RE NOT GOING TO DO THAT LIGHTLY.  WE'RE NOT  
6       GOING TO JUST SAY, "OH, PIECE OF PAPER SIGNED.  
7       THEY CERTIFIED.  I DON'T NEED TO LOOK ANY FURTHER."  
8       I COULDN'T DO THAT.  MY STAFF WOULD NOT FEEL GOOD  
9       DOING THAT.  I KNOW THAT AND YOU WOULDN'T FEEL GOOD  
10      WITH THAT EITHER.

11                       SO WHAT WE ARE TALKING ABOUT IS KIND  
12      OF A BALANCING ACT.  HOW DO WE DO THE BEST WE CAN  
13      TO BE TRUE TO THIS STATUTE AND THESE REGULATIONS  
14      THAT DO SPEAK TO PERMIT STREAMLINING AND CLARITY  
15      OF  
16      ROLES?  HOW DO WE CLARIFY THOSE ROLES AS MUCH AS  
17      WE  
18      CAN WHILE AT THE SAME TIME BALANCING AND  
19      RESPECTING

20      THE RESPONSIBILITY OF THIS BOARD TO ACT ON A  
21      PERMIT?  AND YOU'VE GOT TO KNOW ENOUGH ABOUT THE  
22      PERMIT IN ORDER TO DO THAT RESPONSIBLY.  AND WE,  
23      AS

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20 STAFF, ARE IN THE SAME POSITION.

21 IT'S ALMOST MORE PHILOSOPHICAL THAN

22 IT IS REAL. THERE WILL NOT BE THAT MUCH CHANGE IN

23 WHAT WE'RE REVIEWING BECAUSE WE'RE MAKING

24 RECOMMENDATIONS TO YOU AND WE'RE PROFESSIONALS AS

25 WELL. SO IT'S MORE IN THE NUANCE AND IN THE

BEHIND

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1 THE SCENES, AS THE ITEM TRIES TO EXPRESS, THAT  
2 MAYBE A YEAR FROM NOW, TWO YEARS FROM NOW, IF ALL  
3 THIS WORKS, AND THE PARTNERSHIP THAT'S BEEN SPOKE  
4 OF AND ALL OUR EFFORTS TO TRAIN AND ASSIST, YOU  
5 WILL START TO SEE CLEANER ACTIVITIES GOING ON AT  
6 COMMITTEE AND BOARD MEETINGS WHERE THE QUESTIONS  
7 ARE ANSWERED, THERE'S NOT THAT MUCH DIFFERENCE  
8 BETWEEN THE PROFESSIONAL JUDGMENT OF THE BOARD  
9 STAFF AND THE LEA BECAUSE THAT'S OFTEN WHERE WE GET  
10 INTO THE DISPUTES. IT'S NOT SO MUCH A RIGHT OR  
11 WRONG. IT'S A DIFFERENCE OF OPINION ON HOW TO  
12 BRING SOMETHING FORWARD. AND THOSE IN THE PUBLIC  
13 SETTING GET REAL HARD TO DESCRIBE AND CHARACTERIZE,  
14 AND OFTEN IT JUST REFLECTS POORLY ON THE LEA WHO  
15 BROUGHT THE POOR PERMIT FORWARD.

16 SO AGAIN, I DON'T KNOW IF THAT HELPS.  
17 I VIEW THIS AS AN ITERATIVE PROCESS. WE BROUGHT  
18 THIS FORWARD AS A DISCUSSION INFORMATIONAL ITEM  
19 RATHER THAN ANY DECISION POINT BECAUSE WE FEEL  
20 WE'RE ON THIS TRAIN, AND I DON'T CONSIDER IT A  
21 SLIPPERY SLOPE AT ALL. AND, IN FACT, I DON'T  
22 REALLY UNDERSTAND EVEN WHAT THAT MEANS AND WILL  
23 SEEK CLARITY ON THAT POINT. 1220 WAS THE SLIPPERY

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24 SLOPE IF THERE IS ONE.

25 THE WORDS THAT I READ AND THAT I WAS  
181



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1 INVOLVED WITH IN 1992 AND '93 WERE DRAFTED FOR A  
2 REASON, TO ADDRESS APPARENT AND REAL CONFLICT,  
3 DUPLICATION, CONFUSION ABOUT THE PERMIT PROCESS.  
4 AND CONFUSION IS MAYBE THE MOST IMPORTANT PART.  
IF  
5 WE'RE TRYING TO DO ANYTHING, IT'S CLARIFY THE  
6 CONFUSING ASPECTS OF HOW THIS PROCESS WORKS. AND  
7 IT'S IN THE CLARITY OF THE RELATIONSHIP BETWEEN  
THE  
8 DIFFERENT REGULATORY BODIES THAT WE CAN CLEAN THAT  
9 UP.  
10 AT THE TIME, AS YOU RECALL, THERE  
WAS  
11 NOT A WILL IN THE LEGISLATURE OR ELSEWHERE TO MAKE  
12 IT SIMPLE. A SIMPLE WAY WOULD BE ONE PERMIT, ONE  
13 AGENCY. THERE DIDN'T APPEAR TO BE ANY WILL TO DO  
14 THAT, SO INSTEAD WE GOT SET ON A COURSE OF HOW DO  
15 YOU CLARIFY THE RESPECTIVE ROLES IF YOU CAN'T  
16 ELIMINATE ROLES. AND IT'S NOT AN EASY THING TO  
DO,  
17 AND WE'RE NOT TRYING TO, YOU KNOW, PUSH ANYTHING  
18 DOWN THE SLIPPERY SLOPE OR PROPEL THINGS ANY  
FASTER

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19        THAN THEY'RE ABLE TO GO, BUT WE ARE TRYING TO  
20        IMPLEMENT WHAT WE VIEW AS THE INTENT OF AB 1220 TO  
21        STREAMLINE THE PERMITTING PROCESS AS BEST WE CAN.  
22        AND WE THINK OUR BEST TOOL IN DOING THAT IS THE  
23        LEA, AND THE BEST WAY TO SUPPORT THE LEA AND  
24        ENABLE  
25        THEM TO BRING A GOOD PERMIT IS UP FRONT, NOT  
26        DURING  
27        THE 60-DAY CLOCK.

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1                   CHAIRMAN PENNINGTON: ANY FURTHER  
2       DISCUSSION?

3                   BOARD MEMBER JONES: I JUST -- ONE QUICK  
4       COMMENT. I DON'T WANT TO BE -- I THINK I'VE MADE  
5       MYSELF REAL CLEAR IN ALL THESE MEETINGS. WHAT I  
6       WANT, WHAT I'M LOOKING AT IS A LEVEL OF  
7       PROFESSIONALISM THAT I THINK MOST LEA'S HAVE. AND  
8       THEN I WORRY ABOUT THOSE ISSUES THAT COME IN FRONT  
9       OF US LIKE MR. KOEPP BROUGHT FORWARD. I MEAN HE'S  
10      BEEN IN THE AUDIENCE ON OTHER ITEMS THAT WEREN'T  
11      HIS ITEMS. HE JUST HAPPENED TO BE A VIEWER OF A  
12      PARTICULAR ITEM THAT CAME IN FRONT OF US WHERE  
13      THERE WAS SOME REAL ISSUES. THAT'S GOING TO  
14      CONTINUE TO HAPPEN.

15                   I KIND OF LIKE THE WAY THIS IS GOING  
16      WITH THE EX -- BUT I WANT US TO MAKE SURE THAT WHEN  
17      WE LOOK AT, THROUGH PROJECT OR PARTNERSHIP 2000  
18      WHEN WE CONTINUE THESE THINGS GOING, THAT WE MAKE  
19      LEA'S AND THEIR EXECUTIVE DIRECTORS AWARE WHERE  
20      THERE'S SHORTCOMINGS, WHERE THEY'RE SHORT, BECAUSE  
21      I FEEL THAT THIS IS GOING TO PUT US IN A POSITION  
22      WHERE WE ARE GOING TO NONCONCUR ON SOME PERMITS.  
23      AND IT'S GOING TO BE CLEARLY BECAUSE WE, THIS

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24 BOARD, DIDN'T FEEL THAT THEY GOT ENOUGH INFORMATION  
25 THAT THEY NEEDED TO.

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1                   LEA'S HAVE TO BE AWARE OF THAT, THAT  
2       THAT IS GOING TO HAPPEN. I THINK WHAT WE SEE EVERY  
3       DAY IS THAT THE LEA'S PRESENT TO OUR STAFF A  
4       PRODUCT; AND WHEN THAT PRODUCT COMES TO US, AND I  
5       THINK I SAID THIS IN COMMITTEE A COUPLE OF MONTHS  
6       AGO, THEY UNDERSTAND THAT THERE ARE DUST ISSUES,  
7       THERE ARE CEQA ISSUES, THERE ARE A LOT OF ISSUES  
8       THAT ARE VERY, VERY IMPORTANT TO DIFFERENT MEMBERS  
9       ON THIS BOARD THAT THEY WANT TO ENSURE ARE TAKEN  
10      CARE OF, THAT THEY CAN FEEL GOOD ALL THOSE ITEMS  
11      WERE TAKEN CARE OF. I MEAN YOU WANT TO LOOK AT  
12      THEM ALL, BUT EVERYBODY HAS GOT A COUPLE THAT ARE  
13      NEAR AND DEAR TO THEIR HEART.

14                  LOCAL LEA'S DON'T HAVE THE BENEFIT OF  
15      KNOWING THAT. SO THEY'RE GOING TO COME FORWARD  
16      THINKING THAT THEY HAVE A GREAT PERMIT. IT  
17      HAPPENED TO ME ONE TIME. I CAME UP HERE AND BOARD  
18      MEMBER RELIS ASKED ME WHAT TYPE OF A DUST SYSTEM I  
19      HAD. I HAD ONE AND WE TALKED ABOUT IT, BUT, YOU  
20      KNOW, IT WASN'T THAT HARD FOR ME TO DO. IT COULD  
21      BE HARD FOR -- I MEAN THERE COULD BE OTHERS THAT  
22      COULD BE JUST CAUGHT OFF GUARD BY THE QUESTIONS  
23      THAT ANY OF THESE BOARD'S MEMBERS COULD ASK.

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24        THAT'S GOING TO PUT US IN A SITUATION WHERE THERE'S

25        NOT GOING TO BE CONCURRENCE ON A PERMIT BECAUSE

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1 WE'RE NOT GOING TO KNOW.

2 SO I THINK PART OF PROJECT 2000 IS TO  
3 MAKE -- YOU KNOW, YOU'VE GOT SOME INCREDIBLE LEA'S  
4 THAT NEED TO SHARE THOSE TYPES OF EXPERIENCES.  
5 THEY NEED TO UNDERSTAND. WE CAN'T DEAL WITH WATER  
6 ISSUES.

7 AS AN OPERATOR, I WAS GLAD THAT THERE  
8 WAS A DELINEATION. AS A POLICY MAKER, I AM SORRY  
9 THAT WE GAVE UP ALL OF THOSE THINGS BECAUSE I THINK  
10 THAT SOME OF OUR PERMITS ARE VERY CRITICAL AS TO  
11 HOW THEY INTERACT, HOW THOSE ITEMS INTERACT IN THE  
12 PUBLIC HEALTH AND SAFETY. WHERE WE DON'T HAVE TO  
13 BE THE WATER BOARD, I THINK WE DO NEED TO LOOK AT  
14 SOME OF THOSE ISSUES, AND WE DON'T DO THAT AND WE  
15 CAN'T DO THAT BY STATUTE.

16 SO I THINK MOST OF THE WORK WAS GOOD,  
17 DOROTHY. THERE WAS JUST A COUPLE PIECES. BUT, YOU  
18 KNOW, I WANT US COMING FORWARD WITH GOOD STUFF. I  
19 KNOW THE LEA'S DO. BUT I THINK THIS BOARD WILL  
20 HAVE TIMES, AND THE LEA'S HAVE TO UNDERSTAND IT,  
21 THAT THERE'S GOING TO BE TIMES WHEN PERMITS COME IN  
22 FRONT HERE, BECAUSE YOUR STAFF HAS HAD TO SCRAMBLE  
23 ON A FEW OVER THE YEARS TO SAVE THEM, THAT THEY'RE

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24 NOT GOING TO HAVE THE BENEFIT OF SAVING, YOU KNOW.

25 THEY'RE GOING TO PUT IT OUT AND IT'S GOING TO GET  
185



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1       TURNED DOWN.  AND THAT'S, YOU KNOW, THAT'S FINE.  
2       MAYBE IT NEVER HAPPENS.  IF IT DOESN'T HAPPEN,  
3       THAT'S FINE TOO.  BUT I THINK THAT PEOPLE NEED TO  
4       UNDERSTAND THAT BECAUSE WE DO HAVE A VERY IMPORTANT  
5       ROLE HERE THAT WE HAVE TO PLAY.

6               BOARD MEMBER CHESBRO:  I'D LIKE TO EXPRESS  
7       CONCERN ABOUT THE PARTNERSHIP OF THE BOARD AND ITS  
8       STAFF.  WE'RE PUTTING WORK INTO THAT BECAUSE TO ME  
9       THIS PROCESS HAS -- SEEMS TO HAVE A LIFE OF ITS  
10      OWN.  AND THE BOARD HAS SORT OF FLOWED ALONG AT THE  
11      SURFACE IN THE MOST SUPERFICIAL LEVELS OF IT AND  
12      HASN'T BEEN THERE EACH STEP OF THE WAY ENGAGED.  
13      THAT'S WHAT I MEAN BY SLIPPERY SLOPE.  I MEAN I  
14      THINK IT'S A PROCESS WHERE THERE IS NO SINGLE  
15      DECISION-MAKING POINT WHERE WE HAVE A ROOM FULL  
16      OF  
17      PEOPLE WHO SAID THIS IS WHAT THE PERMITTING  
18      PROCESS  
19      OUGHT TO BE.  IT'S BEEN A SERIES OF INCREMENTAL  
20      STEPS.  AND IT GETS REPORTED TO AND THE BOARD  
21      SEES  
22      LITTLE PIECES OF IT.

                  BUT WHEN I STEP BACK AND I LOOK AT

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21 THE WHOLE PICTURE OF IT, I SEE THAT WE ARE  
22 APPROACHING THE POINT, IF WE'RE NOT ALREADY  
THERE,  
23 WHERE THE BOARD IS DISENGAGING FROM OR NOT HAVING  
24 THE STAFF SUPPORT TO ADEQUATELY ENGAGE, MAYBE  
25 THAT'S A BETTER WAY OF PUTTING IT, TO ADEQUATELY

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1 ENGAGE IN MAKING THOSE DECISIONS.

2                   YOU KNOW, I VERY MUCH SUPPORT  
3       UPGRADING THE LEA'S. I'VE REPEATEDLY SAID THAT,  
4       BUT I THINK THAT ULTIMATELY WE NEED TO REMEMBER  
5       THAT THE REFORMS TO THE PERMIT PROCESS IN THE  
6       LEGISLATION DID NOT DO AWAY WITH THE STATE PERMIT  
7       CONCURRENCE RESPONSIBILITY AND THAT THAT HAS TO BE  
8       MAINTAINED, AND THAT THERE IS AN ONGOING  
9       RESPONSIBILITY FOR THAT THAT IS IMPORTANT.

10 THE OTHER PROCESS IS ALSO VERY  
11 IMPORTANT, BUT THESE ARE TWO PIECES THAT NEED TO BE  
12 TOGETHER. AND I THINK THAT THERE'S AN IMBALANCE  
13 THAT'S BEGINNING TO HAPPEN, AND THAT'S MY CONCERN.  
14 AND IT'S NOT TO UNDERCUT ONE PIECE OF IT. IT'S TO  
15 MAKE SURE THAT WE MAINTAIN THE OTHER ONE. IT'S NOT  
16 TO SAY THAT WE SHOULDN'T BE ENGAGED EARLY TO MAKE  
17 SURE THAT THE LEA'S GIVE US GOOD PERMITS. THERE'S  
18 NOTHING THE MATTER WITH THAT. HOW COULD I POSSIBLY  
19 OBJECT TO THAT? THAT'S GOOD. BUT WHEN IT COMES TO  
20 US, THERE STILL NEEDS TO REMAIN THAT INDEPENDENT  
21 ANALYSIS THAT'S JUST AS COMPLETE AS IT'S BEEN IN  
22 THE PAST AND SHOULD NOT BE ERODED.

23 MS. RICE: I AGREE WITH YOU COMPLETELY,

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24        WESLEY.    THERE WAS NOTHING IN MY PRESENTATION THAT  
25        WAS INTENDED TO DIMINISH THE IMPORTANCE THAT STAFF  
                 187

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1 PLACE ON THE ROLE OF THIS BOARD IN CONCURRING IN  
2 PERMITS. SO I APOLOGIZE IF I LEFT THAT IMPRESSION.  
3 I AGREE WITH EVERYTHING THAT YOU STATED.

4 CHAIRMAN PENNINGTON: OKAY. ANY ADDITIONAL  
5 COMMENTS? IF NOT, WE WILL RECESS UNTIL THREE. IS  
6 THAT TOO LATE FOR ANYBODY? 3 O'CLOCK IN CHAMBERS  
7 FOR AN EXECUTIVE SESSION TO TALK ABOUT LITIGATION  
8 AND PERSONNEL MATTERS.

9

10 (THE MEETING WAS THEN RECESSED AT 1:20  
11 P.M.)

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188

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